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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Corn Bulletin 1, Amdt. 1]

PART 248—CORN LOANS AND PURCHASE AGREEMENTS

1948 CORN PRICE SUPPORT BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5417, governing the making of loans and containing the requirements of the purchase agreement program on corn produced in 1948, is amended as follows:

1. Section 248.202, *Availability of loans and purchase agreements*, paragraph (b), *Time*, subparagraph (2), *Purchase agreements*, is amended to read as follows:

(2) *Purchase agreements.* Purchase agreements will be available to producers from time of harvest through June 30, 1949, in all States and counties where loans are available, except in areas determined to be angoumois moth infestation areas, by State PMA committees. In angoumois moth infestation loan areas and in other States and counties for which rates are established by the Manager, CCC, for the purchase agreement program only, purchase agreements will be available from time of harvest through March 31, 1949. Purchase agreements must be signed by the producer and delivered or mailed to the county committee not later than such dates.

2. The first paragraph under § 248.219, *Maturity and satisfaction*, paragraph (b), *Purchase agreements*, is amended to read as follows:

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) will not be obligated to deliver any corn to CCC. However, the number of bushels he specifies in the purchase agreement will be the maximum quantity he may deliver to CCC. A producer who signs a purchase agreement will have a 30-day period during which he may exercise his option to sell corn to CCC. In areas where loans are available this period will extend for 30 days from September 1, 1949, the maturity date for corn loans, or from such earlier date as demand may be made by CCC for payment of corn loans. In areas where loans are not available and where rates have been established for the purchase agreement program only this period will extend for 30 days from June 1, 1949, or from such earlier date as may be determined by the Manager, CCC. Within the 30-day period allowed the producer for exercising his option to sell corn to CCC, he shall submit warehouse receipts representing eligible corn stored in eligible warehouse storage to the county committee for the quantity of corn he elects to sell to CCC, but not in excess of the number of bushels shown on Commodity Purchase 1, or, in the case of corn stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Corn stored in other than eligible warehouse storage will be purchased on delivery at points designated by CCC. When delivery is completed payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of approved Commodity Purchase 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

(Sec. 8, 56 Stat. 767, sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. App. 968)

Issued this 6th day of October 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: October 6, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 48-8993; Filed, Oct. 8, 1948; 8:51 a. m.]

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PART 364—REGULATIONS

GENERAL REGULATIONS

Section 364.1, *General regulations*, in Title 6, Code of Federal Regulations (6 CFR, 1947 Supp., 364.1), is amended to read as follows:

§ 364.1 *General regulations*—(a) *General.* (1) The word "farm" as used in procedure relating to Farm Ownership loans includes the land, buildings, fences, water appurtenances, and other improvement items generally considered a part of the real estate. Funds for such items, as needed, should be provided in Farm Ownership loans. In some States, certain improvement items or appurtenances which ordinarily would be considered a part of the real estate may, by agreement between the owner of the land and the person furnishing or using such appurtenances, remain personal property. Such an agreement would be binding on a Farm Ownership borrower who purchases the land. In all cases where funds are included in a Farm Ownership loan to purchase such improvements or appurtenances, the County Supervisor, with the advice of the representative of the Office of the Solicitor, will ascertain that such appurtenances are free from any liens or encumbrances and are covered adequately by the first mortgage (deed of trust) to be taken on the real property.

(2) When a Farm Ownership applicant has funds of his own to apply toward the purchase, enlargement, or development of a farm, such funds will be deposited in a supervised bank account as soon as possible but not later than the time the Farm Ownership loan funds are deposited. Such funds will not be held back for making additional and unapproved expenditures.

(3) Any existing liens on a farm which is to be enlarged or developed will be paid off with the proceeds of a Farm Enlargement or Farm Development loan, so that there will be no liens on the farm other than the first mortgage (deed of trust) securing the loan.

(4) Except as otherwise authorized by the Administrator, arrangements will not be made with sellers to construct new or repair old buildings in order to comply with the anticipated needs of Farm Ownership applicants. Construction work will be financed with the proceeds of Farm Ownership loans and will be subject to established Farm Ownership regulations.

(5) Each Farm Ownership applicant will be advised that, if at any time it shall appear that he is able to refinance his loan with a responsible cooperative or private credit source at a rate of interest not in excess of five percent (5%) per annum, and on terms for loans for similar periods of time and purposes prevailing in the area in which the loan is to be made, he must, upon request of the Government, apply for and accept such refinancing.

(6) There may be included in each Farm Ownership loan a service fee in an amount sufficient to pay for (i) recordation of the deed and mortgage (deed of trust), (ii) any portion of the expense of title examination and title insurance chargeable to the borrower, (iii) bank charges for handling deposits in connection with the loan, (iv) an appraisal fee of twenty dollars ($20) for an insured loan borrower, and (v) other expenses necessary in connection with the acquisition of the land and the closing of the loan. A sum of five dollars ($5) will be added to the sum of these charges to cover possible underestimates.

(7) Promptly after completion of the planned expenditures, any remaining balance of a Farm Ownership loan will be applied on the borrower's Farm Ownership loan account as a refund.

(8) No Farm Ownership loan will be made unless it has been determined, after representation by the applicant on Form FHA–5, "Loan Voucher," for a direct loan, or on Form FHA–359, "Borrower-Insurer-Lender Triple Agreement," for an insured loan, and certification to such effect by the County Committee on Form FHA–491, "County Committee Certification," that credit sufficient in amount to finance the actual needs of the applicant is not available to him, at a rate of interest not exceeding five percent (5%) per annum and on terms prevailing in the community, in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

(b) *Restrictions on loans.* Farm Ownership loans will not be made to:

(1) Any corporation, partnership, or cooperative association.

(2) Carry on any operations in collective farming or cooperative farming.

(3) Carry on any Government land-purchase or land-leasing program, or to organize, promote, or manage homestead associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers.

(4) Purchase or refinance indebtedness against machinery, tools, equipment, livestock, and similar items legally not considered real property. A Production and Subsistence loan will not be made to pay the principal or interest or a mortgage insurance charge on a Farm Ownership loan.

(5) Finance any farm development not located on the property covered by the mortgage (deed of trust).

(6) Pay real property insurance premiums.

(7) Pay mortgage insurance charges on insured loans.

(8) Purchase a building located on an outside tract to be moved to a Farm Ownership farm, unless an exception is made in a particular case by the State Director. Such an exception will be granted by the State Director only upon condition that the building purchased is, in the opinion of the representative of the Office of the Solicitor, released properly from any liens or mortgages outstanding against the property on which it is located, and the further condition that it definitely is more advantageous to the borrower to purchase and move a building to a Farm Ownership farm than it is to construct or repair a building on the Farm Ownership farm.

(c) *Disabled veterans.* No Farm Ownership loan will be made to a disabled veteran with a pensionable disability to enable him to acquire, enlarge, or improve a farm which is less than an efficient family-type farm unless the unit as acquired, enlarged, or improved is of sufficient size and character to meet the farming capabilities of such a veteran and will afford him an income which, together with his pension, will enable him to meet his living and operating expenses and repay the loan.

(d) *Additional limitations for farm enlargement and farm development loans.* (1) No farm enlargement or farm development loan will be made if the indebtedness to be refinanced plus the costs incident to such refinancing exceeds the determination by the County Committee of the value less planned improvements of the applicant's unit.

(2) With the exception of Farm Development loans to disabled veterans as provided in paragraph (c) of this section, no Farm Development loan will be made except for improving a farm of such size that it can be developed into an efficient family-type farm and for refinancing such indebtedness as is necessary against such a farm.

(e) *Terms of loans*—(1) *Amortization period.* Farm Ownership loans will be amortized over a period not to exceed forty years.

(2) *Interest rates.* (i) For direct Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

(*a*) Three percent (3%) on loans approved prior to November 1, 1946.

(*b*) Three and one-half percent (3½%) on loans approved subsequent to October 31, 1946, and prior to June 19, 1948.

(*c*) Four percent (4%) on loans approved subsequent to June 18, 1948.

(ii) For insured Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

(*a*) Two and one-half percent (2½%) on loans approved prior to June 19, 1948.

(*b*) Three percent (3%) on loans approved subsequent to June 18, 1948.

(3) *Mortgage insurance charge.* Each insured loan borrower must pay a mortgage insurance charge in addition to

principal and interest payments on his loan.

(i) Each insured loan borrower whose loan was approved subsequent to June 18, 1948, must pay on the date of loan closing an initial mortgage insurance charge, computed at the rate of one percent (1%) of the principal obligation of the mortgage, covering the period from the date of loan closing to the next March 31.

(ii) Each insured loan borrower whose loan was approved subsequent to June 18, 1948, or who executed Form FHA–362, "Supplementary Agreement," (for loans approved prior to June 19, 1948), must pay an annual mortgage insurance charge of one percent (1%) of the actual principal obligation remaining unpaid as of March 31 each year. The first annual mortgage insurance charge will be computed on the basis of the principal obligation remaining unpaid as of the March 31 on which the first installment on the note is due, and must be paid on or before the following March 31. Each succeeding annual mortgage insurance charge will be computed on the basis of the principal obligation remaining unpaid as of March 31 each year thereafter, and must be paid on or before the following March 31. Annual mortgage insurance charges shall continue until the mortgage is paid in full or the mortgaged property is acquired by the Government, or until the contract of insurance is otherwise terminated.

(iii) Prior to the first April 1 following the date of loan closing, each insured loan borrower whose loan was approved prior to June 19, 1948, and who has not executed Form FHA–362, must pay a mortgage insurance charge covering the period from the first anniversary date of his note to the date on which the second installment on his note becomes due. The charge for this proportionate part of a year will be computed on the basis of one percent (1%) of the entire principal obligation less any amount of principal required to be paid on or before the first installment date.

(iv) Prior to each April 1 thereafter during the life of the loan, each insured loan borrower whose loan was approved prior to June 19, 1948, and who has not executed Form FHA–362, must pay a mortgage insurance charge covering the succeeding twelve (12) month period. This annual charge will be equal to one percent (1%) of the principal obligation of his mortgage that would remain unpaid on the next installment date if the borrower should pay exactly in accordance with the installment payments specified in his note.

(4) *Security instrument.* Farm Ownership loans will be secured by a first mortgage (deed of trust) on the farm. The mortgage (deed of trust) securing the debt will specify the terms and conditions under which the funds were advanced to the borrower. In addition to the repayment period and the interest rate, as indicated in subparagraphs (1) and (2) of this paragraph, such instruments will provide, among other conditions, that:

(i) The borrower will repay the unpaid balance of the loan, with interest, in installments based upon prescribed amortization schedules.

(ii) The borrower will keep the property insured against loss by fire or other casualty, and will pay taxes, assessments, and other charges against the farm to the proper taxing authorities.

(iii) The borrower personally and continuously will use the property as a farm and for no other purpose.

(iv) The farm will be maintained in good condition; waste and exhaustion of the property will be prevented; required repairs will be made; and farming conservation practices as prescribed by the Secretary of Agriculture will be carried out.

(v) Final payment on the loan will not be accepted in less than five (5) years, without written consent of the Farmers Home Administration. If an insured loan is paid in full in less than five (5) years, the borrower may be required to pay an additional charge equal to the annual mortgage insurance charge for the year in which the loan is repaid in full.

(vi) The entire amount due on the loan, for violation of certain agreements, may be declared immediately due and payable. The Secretary of Agriculture may require assignment to the Government of the insured mortgage of a borrower who violates certain agreements.

(vii) The borrower will apply for and accept a refinancing loan from a responsible cooperative or private credit source, if at any time it shall appear to the Secretary of Agriculture that the borrower is able to obtain such a loan at a rate of interest not in excess of five percent (5%) per annum and on terms for loans for similar periods of time and purposes prevailing in the area in which the loan is made.

(viii) Each insured loan borrower will pay to the Farmers Home Administration, as collection agent for the Mortgagee, amounts payable to the Mortgagee under the mortgage.

(ix) The holder of an insured mortgage will accept the benefits of the insurance furnished by the Government in lieu of any right of foreclosure which the Mortgagee may have against the mortgaged property and any right to a deficiency judgment against the Mortgagee on account of the mortgage.

(5) *Sale of nondelinquent insured mortgages to the Government.* Any holder of an insured mortgage approved subsequent to June 18, 1948, and any previously approved mortgage for which Form FHA–362 has been executed, may, at his option, within a period of one year beginning after the expiration of seven (7) years from the date of the mortgage, have the mortgage purchased by the Government even though the mortgage is not then in default. If the holder exercises such option, the Government will purchase the mortgage and pay the holder in cash an amount equal to the value of the mortgage. For such purpose, the value of the mortgage will be determined by adding to the then outstanding unpaid principal, the amount of any unpaid interest and the unpaid amount of any advances made by a holder for property insurance premiums, taxes, assessments, water charges, and other payments in discharge of liens which are prior to the mortgage. If the holder of the mortgage does not exercise the above-mentioned option, he may accept any new agreement which may be offered by the Government to purchase the mortgage, or the holder may retain the mortgage until it is paid in full, refinanced, or assigned to another lender.

(60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; Pub. Law 720, 80th Cong., 62 Stat. 534; Order, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp., p. 524; Order, Acting Sec. Agric., Oct. 30, 1947, 12 F. R. 7137, 7 CFR, 1947 Supp., p. 879)

Dated: September 23, 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: October 5, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48–8964; Filed, Oct. 8, 1948; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Bulletin NSCP–1201, Supp. 3]

PART 706—NAVAL STORES CONSERVATION PROGRAM

CONSERVATION PRACTICES AND RATES OF PAYMENT

Paragraph (b), *Continuation of faces on trees of proper size,* § 706.902, as amended, is hereby further amended as follows:

Amend the "Performance" provision of this paragraph (b) to read as follows:

Performance: With the exception of back faces on trees having a worked-out face, the only faces that may be continued as working faces are those on trees which are at least 9 inches d. b. h., and not more than one face may be continued on any tree which is less than 14 inches d. b. h.: *Provided, however,* That faces installed during or after the 1945 season which do not meet the above requirements, but were approved for payment under a previous program, will be accepted under this practice if such faces are still being worked in 1948. If faces have been installed contrary to the requirements, the cups and tins on such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service. The first streak of any new faces installed on round trees shall not exceed a height of 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(49 Stat. 1148, 52 Stat. 746, 16 U. S. C. and Sup. 590g to 590q)

Issued at Washington, D. C., this 6th day of October 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 48–8970; Filed, Oct. 8, 1948; 8:47 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[General Sugar Regs., Series 3, No. 2, Amdt. 4]

PART 801—GENERAL SUGAR REGULATIONS

ADMINISTRATION OF SUGAR QUOTAS AND HEARING PROCEDURE

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. 1100) and the Administrative Procedure Act (60 Stat. 237), General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590) are hereby amended as hereinafter set forth.

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and establishes the practice and procedure applicable to the holding of public hearings in connection with the determination of fair prices and fair wages and in connection with recommendations issued under section 409 of the act.

General Sugar Regulations, Series 3, No. 2, as amended are hereby further amended to add a new Subpart G as follows:

SUBPART G—PRACTICE AND PROCEDURE APPLICABLE TO PRICE AND WAGE PROCEEDINGS AND TO PROCEEDINGS UNDER SECTION 409 OF THE SUGAR ACT OF 1948

Sec.

AUTHORITY: §§ 801.101 to 801.109 issued under Pub. Law 388, 80th Cong.; 61 Stat. 922.

§ 801.101 *Definitions.* (a) The term "act" means the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Supp. 1, 1100–1160);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary delegates authority to act in his stead;

(d) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and the acts supplementary thereto and amendatory thereof;

(e) The term "price and wage proceeding" means a proceeding arising under section 301 of the act;

(f) The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D. C.; and

(g) The term "presiding officer" means any employee of the Department designated by the Secretary to conduct hearings under sections 301 and 409 of the act.

§ 801.102 *When hearing held.* The Secretary shall annually hold or cause to be held, pursuant to section 301 of the act, one or more hearings for the purpose of receiving evidence which may be of assistance to him in determining (a) fair and reasonable prices for sugar beets and sugarcane, and (b) fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets or sugarcane. Due notice and opportunity for hearing shall be given to persons employed in the production, cultivation, or harvesting of sugar beets or sugarcane, and to the producers and processors of sugar beets and sugarcane.

§ 801.103 *Notice of hearing*—(a) *Filing and giving notice.* (1) Upon his decision to hold a hearing for the purpose stated in § 801.102, the Secretary shall issue a notice of hearing, which shall be filed with the Hearing Clerk, who promptly shall mail a true copy thereof to grower and labor groups or organizations known to be interested in the proceeding. The Hearing Clerk shall give or cause to be given further notice of the hearing in the following manner:

(i) By publication of such notice in the FEDERAL REGISTER; and

(ii) By issuing a press release containing the complete text or a summary of the contents of such notice.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided in subparagraph (1) (i) of this paragraph, and failure to give notice in the manner otherwise provided in subparagraph (1) of this paragraph shall not affect the legality of this notice.

(b) *Proof of mailing or of giving notice.* Proof of the mailing of the notice of the hearing and of other means of giving notice shall be by affidavit or certificate of the person making or giving the same. Such affidavits or certificates shall be filed with the Hearing Clerk and the filing thereof shall be noted on the docket of the proceeding.

(c) *Contents.* The notice of hearing shall contain a statement of the purpose of the hearing, including the complete text, or a summary thereof, of any determination that is to be proposed by the Department at the hearing, and a statement of the time and place for the hearing. The time of the hearing shall not be less than 10 days after the date of publication of the notice in the FEDERAL REGISTER, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

§ 801.104 *Docket number.* Each proceeding, immediately following the filing of the notice of hearing, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 801.105 *Conduct of hearing*—(a) *Presiding officer.* Each such hearing shall be presided over by such employee or employees of the Department as the Secretary may designate for the purpose. The hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

(b) *Continuance of hearing.* Each such hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) *Order of procedure.* At the commencement of the hearing, the presiding officer shall file as an exhibit for the record a copy of the FEDERAL REGISTER containing the notice of the hearing, and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) *Submission of evidence.* All interested persons appearing at the hearing shall be given reasonable opportunity to offer evidence with respect to the matters specified in the notice of hearing. Every witness shall, before proceeding to testify, be sworn, after which he shall state his name, address, and whom he represents at the hearing, and shall give such other information respecting his appearance as the presiding officer may request. The presiding officer shall confine the evidence to the questions before the hearing but shall not apply the technical rules of evidence. Affidavits as to relevant facts may be admitted in evidence at the hearing. Every witness shall be subject to questioning by the presiding officer or by any other representative of the Department, but cross-examination by other persons shall not be allowed, except in the discretion of the presiding officer.

(e) *Transcript of the evidence.* Testimony given at the hearing shall be reported verbatim. All supporting written statements, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be numbered as exhibits and received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, four copies of the exhibits shall be submitted and in typewritten, printed, or mimeographed form. If sufficient copies are not available, the presiding officer may have any exhibit read in evidence or may require additional copies to be furnished within a specified time.

(f) *Written arguments.* The presiding officer shall announce at the hearing a reasonable period within which interested persons may file with the hearing clerk written arguments based on the evidence received at the hearing. Written arguments will not be accepted unless an original and three copies are filed. The period for filing written arguments may be extended by the presiding officer for good cause.

(g) *Copies of the transcript.* Any person desiring a copy of the transcript of testimony shall be entitled thereto

upon written application filed with the reporter, and upon payment of fees at the rate provided in the contract between the reporter and the Secretary.

§ 801.106 *Preparation and issuance of determination*—(a) *Preparation of proposed determination.* Within a reasonable time after the expiration of the period allowed for the filing of written arguments, the presiding officer, or such employees of the Department as may be assigned for the purpose, shall prepare such proposed determination as is appropriate and practicable.

(b) *Submission of proposed determination to the Secretary.* Immediately upon completion of its preparation, the proposed determination shall be submitted to the Secretary for approval and issuance. The proposed determination shall contain a statement of the bases and considerations upon which such determination was made and shall be accompanied by a memorandum containing a summary of the evidence contained in the record and of any other factual data to which consideration shall have been given in the formulation of the proposed determination.

(c) *Publication of the determination.* Whenever any determination of the Secretary in any price and wage proceeding is issued, a duplicate thereof shall be filed with the Hearing Clerk for public inspection, and the full text of such determination shall be promptly published in the FEDERAL REGISTER. Upon application to the Hearing Clerk, any person shall be entitled to a copy of such determination.

§ 801.107 *Revision or amendment of determination.* Any determination issued in a price and wage proceeding may be revised or amended without the holding of a new hearing.

§ 801.108 *Procedure governing proceedings under section 409.* Whenever, upon request of persons constituting or representing a substantial proportion of the persons affected in any one of the domestic sugar-producing areas, the Secretary shall determine to hold a public hearing under the authority of section 409 of the act, the procedure governing such hearing shall be that provided by §§ 801.103 to 801.105.

§ 801.109 *Preparation and issuance of recommendations under section 409.* The provisions of § 801.106 shall be applicable to any recommendations made by the Secretary with respect to (a) the terms and conditions of contracts between producers and processors of sugar beets and sugarcane, and (b) the terms and conditions of contracts between laborers and producers of sugar beets and sugarcane.

Rescission of prior regulations. Sections 801.101 to 801.109 shall supersede the rules of practice issued October 1, 1946 (7 CFR Cum. Supp. 801.101–801.111).

Issued this 5th day of October 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 48-8965; Filed, Oct. 8, 1948; 8:46 a. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1948 CROP OF SUGAR BEETS

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the several public hearings held during October 1947 (for California), and January 1948 (for States other than California), the following determination is hereby issued:

§ 802.12 *Fair and reasonable prices for the 1948 crop of sugar beets.* A producer-processor of sugar beets who, as a producer, applies for a payment under the Sugar Act of 1948, shall be deemed to have complied with the provisions of section 301 (c) (2) of said act with respect to the 1948 crop of sugar beets if such producer-processor shall have paid or contracted to pay prices not less than those provided for in the 1948 crop purchase contract for sugar beets purchased from a producer and processed by said producer-processor.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices which must be paid for the 1948 crop of sugar beets purchased by producer-processors (i. e., producers who also are, directly or indirectly, processors of sugar beets) as one of the conditions for payment under the Sugar Act of 1948. In this Statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination," identified by the crop year for which effective.

(b) *Requirements of the Sugar Act and Standards employed.* In determining fair and reasonable prices, the Sugar Act requires that public hearings be held and investigations made. Accordingly, the following public hearings were held: Berkeley, California, October 29, 1947; Detroit, Michigan, January 5, 1948; St. Paul, Minnesota, January 7, 1948; Billings, Montana, January 9, 1948; Salt Lake City, Utah, January 12, 1948; and Denver, Colorado, January 14, 1948. At these hearings interested parties presented testimony with respect to fair and reasonable prices for sugar beets of the 1948 crop. In determining fair and reasonable prices to be paid for sugar beets, consideration has been given to testimony presented at the public hearings and to information resulting from investigations of the general economic structure of the industry. However, data presented at the hearings by producers and processors, together with data otherwise available, have not been sufficient to make an exhaustive study of the 1948 beet purchase contracts. At present further study is being given this matter and it is expected that the results of such study will be available for consideration in connection with fair price matters in subsequent years.

(c) *Background.* Contracts covering the terms and conditions of growing and purchase of the sugar beet crop have been in use for many years. These contracts have been developed through negotiations between representatives of the producers and producer-processors. Many changes have been effected in the contracts throughout the years as a result of changes in conditions.

Contracts used in the beet area are of two types, generally known as (1) percentage sharing contracts and (2) scale type contracts. The former, used largely in the Great Lakes area and in a few other factory districts, provides, with some variations, that producers and processors shall share equally in the net proceeds derived from the sale of sugar, beet pulp and molasses actually recovered from the beets. The second and more widely used type of contract provides a scale under which the effective price for sugar beets is determined from (1) the net proceeds derived from the sale of the sugar produced and (2) the percentage of sugar in the sugar beets. Under the scale type contracts, prices for sugar beets are customarily expressed in terms of fixed prices per ton and are calculated on the basis of assumed recoveries of sugar from sugar beets. The actual recovery of sugar is not used as a basis for payment. The producer's share ranges from about 50 to 60 percent of total net sugar proceeds per ton of beets delivered, depending upon the level of net return.

Determinations of fair and reasonable prices for sugar beets have been issued each year since 1937. Except for the 1940 and 1941 crops in areas using scale type contracts, the prices payable in purchase contracts agreed upon between the producer-processor and the producer have been determined to be fair and reasonable in the price determinations in each of these years. The 1940 and 1941 price determinations established specific prices per ton of sugar beets at various levels of net returns and percentages of sugar in the beets, eliminated the clause contained in some contracts under which provision was made for an accelerating rate of reduction in payments to producers when net proceeds from sugar fell below $3.25 per hundredweight; and eliminated the method of calculating average net returns for purposes of settlement with growers on the basis of net proceeds realized from the sale of sugar by other producer-processors. In recent years price determinations have approved purchase contracts which reflected prices payable as provided in price support agreements between Commodity Credit Corporation and producer-processors.

During the years 1943 to 1947, the 1942 contract price scale was used as the basis for the support price under the Commodity Credit Corporation price support programs. The result of these support programs was to increase the producers' returns over what they would have been had the actual net proceeds determined their returns.

(d) *General discussion of 1948 crop contract.* The 1948 crop purchase contracts contain a number of significant changes in the prices for sugar beets. In the scale type contracts, the prices for sugar beets are generally more favorable to producers at levels of net returns from sugar of 6 cents or more per pound than

those in previous contracts, except for the special pricing features designed to carry out the price support programs of Commodity Credit Corporation during the war years. Conversely, the prices for sugar beets are generally less favorable at levels of net returns below 6 cents. At decreasing levels of net returns under 6 cents the rate of decline in prices for sugar beets is greater than in previous contracts, while at increasing levels of net returns of 6 cents or more the rate of increase in the price of sugar beets is greater. In the percentage sharing contracts used in the Great Lakes area, producers will receive 15 percent more than their customary share at levels of net returns from sugar between 6.7 and 9 cents per pound. Adjustments in favor of producers were also made in other percentage sharing contracts.

At the present level of sugar prices (7.75 cents per pound, seaboard basis for refined cane sugar), producers will receive under most of the 1948 scale type contracts a higher price for sugar beets than they would have received at such level of sugar prices under previous contracts. Under the 1948 percentage type contracts, producers will receive as much or slightly more at present sugar prices than they would have received at such sugar prices in previous years.

There appears to be general grower satisfaction with the provisions of the 1948 crop contracts applicable to net returns of 6 cents per pound and above. Objections have been expressed by certain growers, however, concerning prices for sugar beets at lower levels of net returns. Cost information now being collected will show the relative profitability of growing and processing sugar beets and this may indicate which part of the industry would be better prepared to absorb price reductions, if any occur. These studies have not yet proceeded far enough to enable the Department to draw specific conclusions as to the fairness of the contracts in the lower price ranges. Moreover, major declines in prices are usually accompanied by cost reductions in at least some of the growing or processing operations. The nature and degree of such cost reductions cannot be anticipated fully at this time. Therefore, it would be without purpose to undertake to evaluate the terms of the contracts applicable to materially lower prices than now exist. Accordingly, this determination does not constitute an evaluation of those provisions of the contracts applicable to materially lower prices of sugar.

(e) *1948 price determination.* The 1948 price determination provides that a producer-processor shall be deemed to have complied with section 301 (c) (2) of the Sugar Act if he pays or contracts to pay prices provided for in the purchase contract between such producer-processor and the producer from whom beets are purchased.

In view of the foregoing, I hereby find and conclude that the determination made herein for the 1948 crop of sugar beets is fair and reasonable and that compliance therewith will effectuate the purposes of section 301 (c) (2) of the Sugar Act of 1948.

(Secs. 301, 403, Pub. Law 388, 80th Cong.)

Issued this 5th day of October 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8963; Filed, Oct. 8, 1948; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 941—MILK IN THE CHICAGO, ILL., MARKETING AREA

PART 967—MILK IN THE SOUTH BEND-LA PORTE, IND., MARKETING AREA

PART 969—MILK IN THE SUBURBAN CHICAGO, ILL., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to notice published in the FEDERAL REGISTER (13 F. R. 4836), and actual notice given to interested parties, consideration has been given to the suspension of:

1. The proviso ": *Provided,* That the basic formula price effective for July shall not be less than that effective for June, and that the basic formula price effective for December shall not be higher than that effective for November", appearing in § 941.5 (a) of order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area;

2. The proviso ": *Provided,* That the basic formula price effective for July shall not be less than that effective for the preceding month, and that such price effective for December shall not be higher than for the preceding month", appearing in § 969.5 (a) of order No. 69, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, milk marketing area; and

3. The proviso ": *Provided,* That such price effective for July shall not be less than that effective for the previous month, and such price effective for January shall not be more than that effective for the previous month", appearing in § 967.5 (a) (5) of order No. 67, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, milk marketing area.

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C., 601 et seq.), hereinafter referred to as the "act" and to the aforesaid orders, and after having considered all relevant information including the written data, views, and arguments, which were filed with the Hearing Clerk pursuant to the notice above referred to, it is hereby found and determined that each of the above quoted provisions of the aforesaid orders does not tend to effectuate the declared policy of the act. *It is therefore ordered,* That:

1. The proviso ": *Provided,* That the basic formula price effective for July shall not be less than that effective for June, and that the basic formula price effective for December shall not be higher than that effective for November", appearing in § 941.5 (a) of order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area be and hereby is suspended for an indefinite period with respect to all milk subject to the provisions of the order after the effective date hereof;

2. The proviso ": *Provided,* That the basic formula price effective for July shall not be less than that effective for the preceding month, and that such price effective for December shall not be higher than that for the preceding month", appearing in § 969.5 (a) of order No. 69, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, milk marketing area be and hereby is suspended for an indefinite period with respect to all milk subject to the provisions of the order after the effective date hereof; and

3. The proviso: "*Provided,* That such price effective for July shall not be less than that effective for the previous month, and such price effective for January shall not be more than that effective for the previous month", appearing in § 967.5 (a) (5) of order No. 67, as amended, regulating the handling of milk in the South Bend-LaPorte, Indiana, milk marketing area be and hereby is suspended for an indefinite period with respect to all milk subject to the provisions of the order after the effective date hereof.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 6th day of October, 1948, to be effective on and after November 15, 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8969; Filed, Oct. 8, 1948; 8:46 a. m.]

[Tokay Grape Order 2, Amdt. 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

LIMITATION OF DAILY SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of daily shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) In the instance of deciduous fruits, determination as to the need for, and the extent of, regulation must be deferred awaiting the development of the particular crop. Recommendation for this reg-

ulation was made at a meeting of the said Industry Committee on September 30, 1948, after consideration of all available information relative to supply and demand conditions for Tokay grapes, and the recommendations of the Shippers' Advisory Committee, established under said amended marketing agreement and order. It is hereby further found, therefore, that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Order, as amended. Tokay Grape Order 2 (§ 951.303; 13 F. R. 5485) is hereby amended by deleting from § 951.303 (b) (1) the date "October 10, 1948" and inserting, in lieu thereof, the date "October 26, 1948."

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 6th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8994; Filed, Oct. 8, 1948; 8:52 a. m.]

[Lemon Reg. 295]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.402 *Lemon Regulation 295*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 10, 1948, and ending at 12:01 a. m., P. s. t., October 17, 1948, is hereby fixed as follows:

(i) District 1: 250 carloads;

(ii) District 2: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 7th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: October 3, 1948

DISTRICT NO. 1

[12:01 a. m., Oct. 10, 1948, to 12:01 a. m., Oct. 24, 1948]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.168
American Fruit Growers, Inc., Fullerton	.114
American Fruit Growers, Inc., Upland	.085
Hazeltine Packing Co	.131
Ventura Coastal Lemon Co	3.502
Ventura Pacific Co	1.993
Total A. F. G	5.993
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.615
La Verne Lemon Association	.345
La Habra Citrus Association, The	1.030
Yorba Linda Citrus Association, The	.710
Alta Loma Heights Citrus Association	.422
Etiwanda Citrus Fruit Association	.209
Mountain View Fruit Association	.359
Old Baldy Citrus Association	.802
Upland Lemon Growers Association	4.687
Central Lemon Association	.581
Irvine Citrus Association, The	.504
Placentia Mutual Orange Association	.358
Corona Citrus Association	.070

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Corona Foothill Lemon Co	1.894
Jameson Co	.629
Arlington Heights Citrus Co	.232
College Heights Orange & Lemon Association	2.835
Chula Vista Citrus Association	1.366
El Cajon Valley Citrus Association	.031
Escondido Lemon Association	1.354
Fallbrook Citrus Association	.867
Lemon Grove Citrus Association	.276
San Dimas Lemon Association	1.409
Carpinteria Lemon Association	3.603
Carpinteria Mutual Citrus Association	3.906
Goleta Lemon Association	5.716
Johnston Fruit Co	8.604
North Whittier Citrus Association	.406
San Fernando Heights Lemon Association	.429
San Fernando Lemon Association	.136
Sierra Madre-Lamanda Citrus Association	1.048
Tulare County Lemon & Grapefruit Association	.000
Briggs Lemon Association	3.083
Culbertson Investment Co	1.068
Culbertson Lemon Association	1.403
Fillmore Lemon Association	1.091
Oxnard Citrus Association No. 1	8.299
Oxnard Citrus Association No. 2	1.300
Rancho Sespe	.752
Santa Paula Citrus Fruit Association	3.494
Saticoy Lemon Association	6.831
Seaboard Lemon Association	4.599
Somis Lemon Association	3.779
Ventura Citrus Association	2.090
Limoneira Co	2.208
Teague-McKevett Association	.805
East Whittier Citrus Association	.381
Leffingwell Rancho Lemon Association	.416
Murphy Ranch Co	.732
Whittier Citrus Association	.138
Whittier Select Citrus Association	.259
Total C. F. G. E	89.161
Chula Vista Mutual Lemon Association	.783
Escondido Co-operative Citrus Association	.155
Highland Mutual Groves	.000
Index Mutual Association	.117
La Verne Co-operative Citrus Association	1.181
Orange Co-operative Citrus Association	.015
Ventura County Orange and Lemon Association	2.130
Whittier Mutual Orange and Lemon Association	.125
Total M. O. D	4.506
California Citrus Groves, Inc., Ltd	.000
Dewars, Pieter	.000
Evans Brothers Packing Co	.001
Flint, Arthur E	.000
Furr, N. C	.000
Harding & Leggett	.000
Isely, W. J	.000
Johnson, Fred	.012
Levinson, Sam	.000
Lorbeer, Carroll W. C	.027
Manos, Gus & William	.000
Orange Belt Fruit Distributors	.258
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.042
Segal, Joseph	.000
Torn Ranch	.000
Walshe, Jack M	.000
Zaninovich Brothers, Inc	.000
Total independents	.340

[F. R. Doc. 48-9033; Filed, Oct. 8, 1948; 10:29 a. m.]

[Orange Reg. 251]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.397 *Orange Regulation 251*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 10, 1948, and ending at 12:01 a. m., P. s. t., October 17, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: no movement;

(*b*) Prorate District No. 2: 1000 carloads;

(*c*) Prorate District No. 3: no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: no movement; (*b*) Prorate District No. 2: no movement; (*c*) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. October 10, 1948 to 12:01 a. m. October 17, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0992
A. F. G. Corona	.1727
A. F. G. Fullerton	.0000
A. F. G. Orange	.3622
A. F. G. Riverside	.1328
A. F. G. San Juan Capistrano	.7855
A. F. G. Santa Paula	.7339
Hazeltine Packing Co	.4888
Placentia Pioneer Valencia Growers Association	.7465
Signal Fruit Association	.1609
Azusa Citrus Association	.4656
Covina Valley Orange Co	.1031
Damerel-Allison Co	1.0049
Glendora Mutual Orange Association	.4647
Irwindale Citrus Association	.0000
Puente Mutual Citrus Association	.2526
Valencia Heights Orchard Association	.6610
Covina Citrus Association	1.3168
Covina Orange Growers Association	.6956
Glendora Citrus Association	.4461
Glendora Heights Orange and Lemon Growers Association	.0670
Gold Buckle Association	.0000
La Verne Orange Association	.8019
Anaheim Citrus Fruit Association	1.3966
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	2.6514
Fullerton Mutual Orange Association	1.3053
La Habra Citrus Association	1.3499
Orange County Valencia Association	.7356
Orangethorpe Citrus Association	.6832
Placentia Cooperative Orange Association	.6452
Yorba Linda Citrus Association	.6542
Citrus Fruit Growers	.1711
Cucamonga Citrus Association	.2637
Etiwanda Citrus Fruit Association	.0487
Mountain View Fruit Association	.0096
Old Baldy Citrus Association	.1564
Rialto Heights Orange Growers	.0729
Upland Citrus Association	.2352
Upland Heights Orange Association	.1797
Consolidated Orange Growers	1.9024
Frances Citrus Association	1.5548
Garden Grove Citrus Association	1.3576
Goldenwest Citrus Association, The	1.9222
Irvine Valencia Growers	3.0681
Olive Heights Citrus Association	2.0334
Santa Ana-Tustin Mutual Citrus Association	1.3223
Santiago Orange Growers Association	3.6957
Tustin Hills Citrus Association	2.7675
Villa Park Orchards Association, The	1.9317
Bradford Brothers, Inc	.7772
Placentia Mutual Orange Association	1.8230
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.6761
Call Ranch	.0914
Corona Citrus Association	.6530

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Jameson Co	0.0000
Orange Heights Orange Association	.4366
Crafton Orange Growers Association	.5080
East Highlands Citrus Association	.0958
Fontana Citrus Association	.1414
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3757
Redlands Orangedale Association	.3968
Break & Sons, Allen	.0750
Bryn Mawr Fruit Growers Association	.3148
Krinard Packing Co	.2462
Mission Citrus Association	.1937
Redlands Cooperative Fruit Association	.4360
Redlands Orange Growers Association	.3017
Redlands Select Groves	.3744
Rialto Citrus Association	.0000
Rialto Orange Co	.1907
Southern Citrus Association	.2333
United Citrus Growers	.0000
Zilen Citrus Co	.0862
Arlington Heights Citrus Co	.1366
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1661
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0778
McDermont Fruit Co	.2232
Monte Vista Citrus Association	.2277
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0739
Sierra Vista Packing Association	.0000
Victoria Avenue Citrus Association	.2250
Claremont Citrus Association	.2145
College Heights Orange and Lemon Association	.2633
El Camino Citrus Association	.0781
Indian Hill Citrus Association	.2383
Pomona Fruit Growers Exchange	.4923
Walnut Fruit Growers Association	.6321
West Ontario Citrus Association	.4816
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	3.0535
San Dimas Orange Growers Association	.5932
Andrews Brothers of California	.2058
Ball & Tweedy Association	.7027
Canoga Citrus Association	1.2169
North Whittier Heights Citrus Association	1.1586
San Fernando Fruit Growers Association	.7163
San Fernando Heights Orange Association	1.2530
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	1.9982
Fillmore Citrus Association	3.1852
Mupu Citrus Association	3.7214
Ojai Orange Association	1.2535
Piru Citrus Association	2.2455
Santa Paula Orange Association	1.4147
Tapo Citrus Association	1.4747
Ventura County Citrus Association	.0000
Limoneira Company	.8258
East Whittier Citrus Association	.2769
El Ranchtio Citrus Association	.9857
Murphy Ranch Co	.4668
Rivera Citrus Association	.5132
Whittier Citrus Association	.8220
Whittier Select Citrus Association	.4779
Anaheim Cooperative Orange Association	1.1092
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Euclid Avenue Orange Association	0.4052
Foothill Citrus Union, Inc	.0418
Fullerton Cooperative Orange Association	.3963
Garden Grove Orange Cooperative, Inc	.6614
Golden Orange Groves, Inc	.0000
Highland Mutual Groves	.0000
Index Mutual Association	.2844
La Verne Cooperative Citrus Association	1.5813
Mentone Heights Association	.0000
Olive Hillside Groves	.7017
Orange Cooperative Citrus Association	1.1817
Redlands Foothill Groves	.7472
Redlands Mutual Orange Association	.1743
Riverside Citrus Association	.0668
Ventura County Orange and Lemon Association	1.1682
Whittier Mutual Orange and Lemon Association	.1568
Babijuice Corp. of California	.4593
Banks Fruit Co	.0000
Banks, L. M	.3138
Borden Fruit Co	.0000
California Associated Growers	.0971
California Fruit Distributors	.0442
Cherokee Citrus Co., Inc	.1645
Chess Co., Meyer W	.2428
Escondido Avocado Growers	.0240
Evans Brothers Packing Co	.2798
Furr, N. C	.0219
Gold Banner Association	.3440
Granada Hills Packing Co	.0469
Granada Packing House	1.3813
Hill, Fred A	.0935
Inland Fruit Dealers, Inc	.0821
Morris Brothers Fruit Co	.0133
Orange Belt Fruit Distributors	2.1883
Panno Fruit Co., Carlo	.0282
Paramount Citrus Association	.5669
Placentia Orchard Co	.5518
San Antonio Orchard Co	.3007
Snyder & Sons Co., W. A	.4592
Stephens, T. F	.1172
Torn Ranch	.0000
Wall, E. T	.1195
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redlands	.7882

[F. R. Doc. 48-9039; Filed, Oct. 8, 1948; 11:27 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-328]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

TEMPORARY AUTHORITY TO CONDUCT SCHEDULED AIR TRANSPORTATION BETWEEN ALASKAN POINTS AND SEATTLE, WASH.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of October 1948.

In Orders Serial Numbers E-2012 and E-2013, the Board has temporarily exempted certain air carriers from the requirements of Title IV of the Civil Aeronautics Act of 1938, as amended, and certain regulations issued thereunder so far as such requirements would restrict the air carriers from engaging in air transportation of persons and property between Seattle, Washington and points in Alaska.

Operations between such points conducted on other than an irregular basis, are subject to the provisions of Part 41 of the Civil Air Regulations which require an air carrier to meet certain airport, route, and other qualifications which, if now required, would greatly delay the inauguration of the service authorized by the orders above referred to. Since the Secretary of the Interior and the Governor of Alaska have informed the Board that this service is essential for the public welfare, the Board finds that it is necessary to relieve the air carriers from the requirements of Part 41. The Board believes that the necessary service can be rendered at an adequate level of safety under the provisions of Part 42 of the Civil Air Regulations.

For the reasons stated above, the Board finds that notice and public procedures hereon, are impractical and contrary to the public interest, and that good cause exists for making this regulation effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective immediately:

An air carrier authorized to conduct air transportation between Seattle, Washington and points in Alaska under the provisions of Orders Serial Numbers E-2012 or E-2013, may conduct such transportation under the provisions of Part 42 of the Civil Air Regulations, as heretofore or hereafter amended.[1]

This regulation shall terminate when both Orders Serial Numbers E-2012 and E-2013 terminate, unless sooner amended or revoked.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010, 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-9003; Filed, Oct. 8, 1948; 8:53 a. m.]

[Civil Air Regs., Amdt. 41-1]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of October 1948.

On April 14, 1948, the Board, after public notice of rule-making and public hearing thereon, adopted Civil Air Regulations Amendment 41-19 and Civil Air Regulations Amendment 61-17, both effective May 19, 1948. Sections 41.320 and 61.56 of the Civil Air Regulations as thus amended required in substance, among other things, that after December 1, 1948, an airman holding a flight engineer certificate should be required on all aircraft certificated for more than 80,000 pounds maximum take-off weight when such aircraft were used in scheduled air transportation.

Subsequently, there was published a notice of proposed rule-making dated June 9th, 1948 (13 F. R. 3097), proposing, among other things, to modify §§ 41.320 and 61.56 to make the requirement regarding an airman holding a flight engineer's certificate applicable only to four-engine aircraft within the weight class rather than to all aircraft, and to clarify certain questions concerning the performance of multiple functions by an airman. Such notice provided for the submission of written comments thereon within thirty days after its date.

On July 15, 1948, American Airlines, Inc. filed a petition for relief from the aforementioned provisions in the Board's regulations relating to flight engineers, particularly with respect to the applicability of such provisions to the DC-6 aircraft. American's petition for relief stated that it was a petition for reconsideration of amendments 41-19 and 61-17 insofar as they amended §§ 41.320 and 61.56 of the Civil Air Regulations, a petition under section 4 (d) of the Administrative Procedure Act for amendment and repeal of the aforesaid §§ 41.320 and 61.56, and a petition in connection with the proposed amendment to these sections. American sought to have the Board conduct scientific studies alleged to be essential to the solution of the problem of requiring flight engineers on large aircraft and then hold a hearing affording an opportunity to comment on such studies, meanwhile revoking or suspending §§ 41.320 and 61.56 as to the DC-6 aircraft.

A number of other petitions requesting similar relief and generally supporting the petition of American Airlines were also filed by the Air Transport Association, National Airlines, Inc., Braniff Airways, Inc. and Delta Airlines, Inc. (the latter as to Amendment 61-17 only). In addition to the foregoing, comments were received from Eastern Airlines, Inc., Colonial Airlines, Inc., Pan American-Grace Airways, Inc., and Chicago and Southern Airlines, Inc., which generally supported American's petition although not formally petitioning for similar relief. This is in response to all said petitions and comments to the extent that they sought relief from requirements of § 41.320 either as originally enacted or as proposed to be amended. (Simultaneously herewith, like action is being taken with respect to § 61.56 by Civil Air Regulations Amendment 61-3.)

The Board has given the most careful consideration to the data and views presented in the aforementioned petitions and comments. It has also reviewed all of the information and data available to it through the medium of the public hearing held in relation to this matter, written comments received prior and subsequent to the promulgation of §§ 41.320 and 61.56 and proposed amendments thereto, and relevant material available in its files. On the basis

[1] Orders Serial Numbers E-2012 or E-2013 terminate November 1, 1948, unless revoked or extended by the Board prior to that date.

thereof, and taking into consideration the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest, the Board has concluded that the crew of all four-engine aircraft now being produced which are certificated for a maximum take-off weight of more than 80,000 pounds should include an airman holding a flight engineer certificate when such aircraft are used in scheduled air transportation. The Board finds that this requirement is necessary to provide adequately for and assure safety in air transportation and constitutes a necessary and reasonable minimum safety standard for the operation of air carriers.

The Board's reasons and grounds for its conclusion are as set forth hereafter. There are only three aircraft types now being produced, or expected to be produced in the foreseeable future, which are in the class of four-engine aircraft certificated for maximum take-off weight in excess of 80,000 pounds. These are the Lockheed Constellation, the Douglas DC–6, and the Boeing 377. Despite the automatic devices which are available and installed in such aircraft, they have so many items calling for the pilots' attention and are so complex in operation that the pilots' ability to accomplish all duties imposed upon them may at times be exceeded, if provision is not made for a flight engineer. The flight engineer will contribute substantially to reduction of pilot fatigue and resultant accident-provoking sequences. In particular, the flight engineer can relieve the pilots of burdensome mechanical duties, if required to be performed when the aircraft is being flown on instruments, when there are difficult navigational problems, when radio communications are erratic, or when the pilots are attempting to follow complicated traffic control procedures, and accomplish instrument approaches, would be exceptionally onerous. The flight engineer is able to perform important duties and add to safety of flight, even when riding in the jump seat of a plane in which no flight engineer station has been provided.

In addition to the foregoing, the flight engineer with a specialized engineer training will be useful in case of fire or other malfunctioning, both in overcoming the difficulty and restoring normal functioning, and in relieving the pilots of various mechanical duties, particularly those which would require one of them to leave his pilot's station, while they concentrate on flying the aircraft during any period of emergency. The flight engineer will also contribute to the level of safety by assuming responsibility for proper completion of ground maintenance for the correction of any malfunctioning which has been discovered in flight.

The duties which the flight engineer can assume and efficiently perform are numerous but the Board does not believe it is desirable to specify in regulations the exact duties to be performed by any airman any more than it believes it desirable to dictate other air carrier operating procedures which may vary from company to company without any adverse effect on safety.

The Board believes that the introduction of a flight engineer into the crew complement does not create a serious crew coordination problem, and that the benefits to be derived by the inclusion of a flight engineer clearly outweigh any difficulties of coordination that may be presented.

On the basis of experience to date, all four-engine aircraft in excess of 80,000 pounds maximum take-off weight are, and in the foreseeable future will be, of such complexity as to require the utilization of a flight engineer in the interest of achieving the necessary level of safety. If, at any time, there should hereafter be such advances as would enable the production of an aircraft in this class of such simplified design that it does not present the operational problems of today's aircraft in this class, the Board will then modify its regulations accordingly.

The Board at this time is modifying § 41.320 as originally adopted for the purpose of making it applicable only to four-engine aircraft, whereas heretofore it has been applicable to all aircraft within the weight class. The Board is also amending §§ 41.320, 41.310, 41.330, and 41.309 to indicate more clearly that the Board in requiring a crew member for the performance of a specified function intended to limit such a crew member to that function for the period of time during which it is required, but that the Board did not intend to restrict the crew member from performing other duties at other times. It is intended, for example, that a flight engineer, when required, shall not be assigned other duties at the same time for which an airman certificate is necessary. On the other hand an individual could relieve a pilot for a part of a trip, and at a subsequent time relieve the flight engineer provided he held the appropriate certificates. There is also included, for greater clarity and uniformity in administration, a definition of "route segment."

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment is merely interpretative in nature and imposes no additional burden on any person, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations effective immediately as follows:

1. By amending § 41.309 to read as follows:

§ 41.309 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the type of operation and the make and model aircraft as determined by the Administrator in accordance with the standards hereinafter prescribed and specified in the air carrier operating certificate for each route or route segment.

(b) Where the provisions of this part require for a particular route, route segment or aircraft the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman over such route or route segment.

2. By amending § 41.310 to read as follows:

§ 41.310 *Flight radio operator; when required.* An airman holding a flight radio operator certificate shall be required for flight over any area, route, or route segment over which the Administrator has determined that radiotelegraphy is necessary for communication with ground stations during flight.

3. By amending § 41.320 to read as follows:

§ 41.320 *Flight engineer; when required.* After December 1, 1948, an airman holding a flight engineer certificate shall be required on all four-engine aircraft certificated for more than 80,000 pounds maximum take-off weight, and on all other four-engine aircraft certificated for more than 30,000 pounds maximum take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft.

4. By amending § 41.330 to read as follows:

§ 41.330 *Flight navigator; when required.* An airman holding a flight navigator certificate shall be required for flight over any area, route, or route segment when the Administrator has determined either that celestial navigation is necessary or that other specialized means of navigation necessary for the safe conduct of flight cannot be adequately accomplished from the pilot station.

5. By adding a new paragraph (q) to § 41.99 to read as follows:

§ 41.99 *Definitions.* * * *

(q) *Route segment.* A route segment is a portion of a route, the boundaries of which are identified by:

(1) A continental or insular geographic location;

(2) A point at which some specialized aid to air navigation is located; or

(3) A point at which a definite radio fix is located.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board. Lee, member, dissented.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48–9004; Filed, Oct. 8, 1948; 8:53 a. m.]

[Civil Air Regs., Amdt. 61–3]

PART 61—SCHEDULED AIR CARRIER RULES

ADDITIONAL CREW COMPLEMENT REQUIREMENTS; FLIGHT ENGINEER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of October 1948.

The Board hereby incorporates by reference the statement preceding Civil Air Regulations Amendment 41–1, adopted this day, which denied petitions for relief from § 41.320, and for the same rea-

sons, the Board hereby denies such petitions insofar as they request relief from the provisions of § 61.56.

The Board, at this time, is modifying § 61.56 as originally adopted for the purpose of making it applicable only to four-engine aircraft, whereas heretofore, it has been applicable to all aircraft within the weight class.

The Board is also adding a new paragraph to § 61.56 to indicate more clearly that the Board, in requiring the performance of the flight engineer function, did not intend to permit the performance of this function by an individual performing other airman functions at the same time.

Since this amendment is interpretative in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations effective immediately as follows:

By amending § 61.56 to read as follows:

§ 61.56 *Flight engineer; when required.* (a) After December 1, 1948, an airman holding a flight engineer certificate shall be required on all four-engine aircraft certificated for more than 80,000 pounds maximum take-off weight, and on all other four-engine aircraft certificated for more than 30,000 pounds maximum take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft.

(b) The requirement of paragraph (a) of this section shall not be satisfied by the performance of multiple functions at the same time by any airman. (Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board. Lee, member, dissented.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-9005; Filed, Oct. 8, 1948; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4779]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GOLD-TONE STUDIOS, INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Manufacturing nature:* § 3.6 (m 7) *Advertising falsely or misleadingly—Limited offers or supply:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:* § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.72 (g 10) *Offering unfair, improper and deceptive inducements to purchase or deal—Limited offers or supply:* § 3.72 (n) *Offering unfair, improper and deceptive inducements to purchase or deal—Special offers, savings and discounts:* § 3.96 (b) *Using misleading name—Vendor—Manufacturing nature:* § 3.96 (b) *Using misleading name — Vendor — Products.* In connection with the offering for sale, sale and distribution in commerce, of pictures or photographs, (1) using the words "oil painted portrait," "oil painted," or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a tinted or colored photograph or picture made from a photographic base; (2) using the words "oil colored portrait," "colored in oils", or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a tinted photograph or picture made from a photographic base; (3) using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a photographic reproduction which is not a product resulting from a finishing process involving the use of a toning or developing bath employing salts or chloride of gold; (4) using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with other word or words, as a corporate or trade name or otherwise, to designate, describe, or refer to a photographic business not substantially engaged in finishing photographic reproductions by a process involving the use of a toning or developing bath employing salts or chloride of gold; or, (5) representing that the customary or usual price for any kind or type of photograph or picture is a special advertising offer or other special offer; that an offer of said photographs or pictures is limited in point of time when such offer is not in fact so limited; or that said photographs or pictures offered are of a value in excess of the usual or customary price; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Gold-Tone Studios, Inc. et al., Docket 4779, September 2, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 2d day of September A. D. 1948.

In the matter of Gold-Tone Studios, Inc., a corporation, also trading as Camera Art Company; Irving A. Stern, individually and as President and a Director of Gold-Tone Studios, Inc., and a copartner in the firm trading as Camera Art Company; Paul A. McGuire, individually and as Vice President and a Director of Gold-Tone Studios, Inc., and a copartner in the firm trading as Camera Art Company; Berthold Eidlin, individually and as Secretary-Treasurer of Gold-Tone Studios, Inc., and a copartner in the firm trading as Camera Art Company; and Marion Stern, Doris McGuire, Emanuel Eidlin, and Ephraim Eidlin, individuals and members of the firm trading as Camera Art Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner, and briefs and oral argument in support of and in opposition to the complaint; and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Gold-Tone Studios, Inc., a corporation, also trading as Camera Art Company, its officers, representatives, agents, and employees, and respondents Irving A. Stern, Paul A. McGuire, Berthold Eidlin, Marion Stern, Doris McGuire, Emanuel Eidlin, and Ephraim Eidlin, individually or as copartners trading as Camera Art Company or under any other name or names, their agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of pictures or photographs, do forthwith cease and desist from directly or indirectly:

1. Using the words "oil painted portrait," "oil painted," or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection, with a tinted or colored photograph or picture made from a photographic base.

2. Using the words "oil colored portrait," "colored in oils," or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a tinted photograph or picture made from a photographic base.

3. Using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a photographic reproduction which is not a product resulting from a finishing process involving the use of a toning or developing bath employing salts or chloride of gold.

4. Using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a corporate or trade name or otherwise, to designate, describe, or refer to a photographic business not substantially engaged in finishing photographic reproductions by a process involving the use of a toning or developing bath employing salts or chloride of gold.

5. Representing that the customary or usual price for any kind or type of photograph or picture is a special advertising

offer or other special offer; that an offer of said photographs or pictures is limited in point of time when such offer is not in fact so limited; or that said photographs or pictures offered are of a value in excess of the usual or customary price.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with it.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary

[F. R. Doc. 48-8989; Filed, Oct. 8, 1948; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52058]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

SUBSTITUTION OF A WAREHOUSE ENTRY FOR A CONSUMPTION ENTRY

Section 8.30, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.30), as amended by T. D. 51869 (13 F. R. 1663), is further amended by adding the following sentence to paragraph (e) thereof:

§ 8.30 *Form and contents; articles entitled to entry.* * * *

(e) * * * All copies of the warehouse entry shall bear the following notation:

This entry is in substitution of consumption entry No. ------, dated ----------, 19-----.

(Sec. 557, 46 Stat. 744, secs. 2, 22, 23, 52 Stat. 1077, 1087, 1088, sec. 624, 46 Stat. 759; 19 U. S. C. 1557, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: October 4, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8988; Filed, Oct. 8, 1948; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

NANTUCKET SOUND, MASSACHUSETTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.6 is hereby prescribed to govern the use and navigation of waters of Nantucket Sound in the vicinity of Horseshoe Shoal, about seven miles south of Osterville, Massachusetts, comprising a bombing target area of the Naval Air Bases, First Naval District, Quonset Point, Rhode Island, as follows:

§ 204.6 *Nantucket Sound in vicinity of Horseshoe Shoal; Naval bombing target area*—(a) *The danger zone.* (1) An area one mile square located on Horseshoe Shoal, bounded on the north by latitude 41°31'12", on the east by longitude 70°21'38", on the south by latitude 41°-30'12", and on the west by longitude 70°22'58". The center of the area, at latitude 41°30'42", longitude 70°22'18", bears approximately 176° true, 11,900 yards, from West Bay Entrance Light at Osterville, Massachusetts.

(2) Vessels used as targets within this area, whether anchored or grounded, will be properly secured and marked.

(b) *The regulations.* (1) During the period November 1 to June 1, inclusive, no vessel shall enter or remain in the danger zone unless authorized to do so by the enforcing agency.

(2) This section shall be enforced by the Commander, Naval Air Bases, First Naval District, Quonset Point, Rhode Island, and such agencies as he may designate.

[Regs. Sept. 21, 1948, CE 800.2121 (Nantucket Sound, Mass.) — ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8980; Filed, Oct. 8, 1948; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 5.2502, the introductory paragraph and paragraphs (b) (1) and (c) (2) are amended to read as follows:

DEFINITIONS OF RELATIONSHIP

§ 5.2502 *General law.* For the purposes of the general law the following definitions of relationship shall govern in the adjudication of claims for death compensation.

* * * * *

(b) *Child.* (1) The term "child" shall mean a legitimate child under the age of sixteen. Children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate (section 4704 R. S.). State laws as to legitimacy are not applicable. The payment of compensation may be further continued after the age of 16 to or for a child who was insane, idiotic or otherwise physically or mentally helpless at the date of attaining the age of 16 years and the helpless condition exists at the date of filing claim. Payments of compensation continue during the period of helplessness. Marriage is not a bar to the payment of compensation to a child under the age of 16 years, or to a helpless child under an award approved prior to April 1, 1944. As to awards approved on or after April 1, 1944, compensation may not be paid to a helpless child who has married (Pub. Law 280, 78th Cong.) (See § 5.2584.)

(2) No change.

(c) *Mother—Father.* * * *

(2) For the purposes of the general law as reenacted by Public No. 269, 74th Congress, the term "mother" or "father" shall mean the same as in subparagraph (1) of this paragraph, including a mother or father as defined in § 5.2514 (d): *Provided,* That payment of compensation to or for a parent entitled solely as a result of the definition contained in § 5.2514 (d) may not be made for any period prior to July 13, 1943 (Pub. Law 144, 78th Cong.).

2. A new section, § 5.2503, is added to Part 5 to read as follows:

§ 5.2503 *Peacetime service subsequent to April 20, 1898.* For the purposes of adjudicating claims for death compensation under Public No. 2, 73d Congress (act of March 20, 1933), as amended, the following definitions of relationship shall govern:

(a) *Widow.* The term "widow" shall mean a person who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred (Veterans' Regulation No. 10 (b), par. 1, (38 U. S. C. Ch. 12)), and, as to awards approved on or after October 1, 1948, who lived continuously with him from the date of marriage to the date of his death, as provided in § 5.2516.

(b) *Child.* The term "child" shall mean the same as defined in § 5.2514 (c). (Pub. Law 144, 78th Cong.)

(c) *Parent; father; mother.* The term "parent", "father" and "mother" shall mean the same as defined in § 5.2514 (d). (Pub. Law 144, 78th Cong.) (Sec. 4, 43 Stat. 9, secs. 1, 7, 8, 57 Stat. 554, 555, 556, secs. 2, 4, 58 Stat. 107, 797; 38 U. S. C. 364a, 364h, 704, 727, Ch. 12 note, Pub. Law 762, 80th Cong.)

3. In § 5.2504, paragraphs (a) (1) and (2) (iii) are amended to read as follows:

§ 5.2504 *Indian wars.* * * *

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to March 4, 1917. However, the $60 rate provided for in the act of March 3, 1944, as amended, is payable only when the unremarried widow was the wife of the veteran during his Indian war service (Public Law 245, 78th Congress and Public Law 398, 80th Congress). (See § 5.2580.) Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 5.2516.) (Pub. Law 398, 80th Cong.)

* * * * *

(2) * * *

(iii) Is 60 years of age or over;

* * * * *

4. In § 5.2506, paragraphs (a) (1) and (b) (1) and (2) are amended, (b) (3) is canceled, and (b) (4) is renumbered (b) (3).

§ 5.2506 *Civil War.* * * *

(a) *Widow.* (1) The term "widow" shall mean a person who was married

to the veteran prior to June 27, 1905. However, the $60 rate provided for in the act of July 3, 1926, as amended by the act of July 30, 1947, is payable only when the widow was the wife of the veteran during his Civil War service. Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 5.2516.)

* * * * *

(b) *Remarried widow.* (1) For the purposes of the act of May 1, 1920 (Public No. 190, 66th Congress), as amended, the term "remarried widow" shall mean a person who married the veteran prior to June 27, 1905, and who otherwise meets the requirements of paragraph (a) (1), of this section, and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on her part. (Pub. No. 323, 71st Cong., act of June 9, 1930.)

(2) For the purposes of the act of July 3, 1926 (Public No. 454, 69th Congress), the term "remarried widow" shall mean a person who was the wife of the veteran during the period of his service in the Civil War and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce.

(3) A remarried widow has no title under the provisions of Public Law 471, 78th Congress (Act of December 8, 1944). (Pub. Law 270, 80th Cong.)

* * * * *

5. In § 5.2508, the introductory paragraph is amended, paragraph (a) is amended in its entirety, and there is no change in paragraphs (b) and (c).

§ 5.2508 *Spanish-American War, Boxer Rebellion and Philippine Insurrection; Public No. 2, 73d Congress, as amended.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), as amended, the following definitions of relationship shall govern in the adjudication of claims for death compensation or pension:

(a) *Widow.* The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922, provided that as to awards approved on or after March 1, 1944, continuous cohabitation as described in § 5.2516 must be established (Veterans Regulation No. 10 (b), par. 1, (38 U. S. C. Ch. 12), and Public Law 242, 78th Congress, act of March 1, 1944). (Pub. Law 270, 80th Cong.)

* * * * *

6. In § 5.2512 the introductory paragraph and paragraphs (a) and (b) are amended to read as follows:

§ 5.2512 *Spanish-American War, Boxer Rebellion and Philippine Insurrection; service acts as reenacted by Public No. 269, 74th Congress, and as amended.* For the purposes of Public No. 166, 69th Congress (act of May 1, 1926) as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and amended by Public Law 144, 78th Congress (act of July 13, 1943), Public Law 242, 78th Congress (act of March 1, 1944), and Public Law 762, 80th Congress (act of June 24, 1948), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, shall mean a person who was married to the veteran prior to January 1, 1938. As to awards approved on or after March 1, 1944, and increases in pension under section 3, Public Law 242, 78th Congress, continuous cohabitation as described in § 5.2516 must be established: *Provided,* That where the widow is entitled solely by virtue of the provisions of section 2, Public Law 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. However, the $60 rate is payable only when the widow was the wife of the veteran during his war service as defined in §§ 4.2000 (b), 4.2001 (b), or 4.2002 (b), of this chapter. (Pub. Law 242, 78th Cong., act of March 1, 1944.) (See § 5.2617.)

(2) As to claims under Public Law 762, 80th Congress which precludes payments for any period prior to June 24, 1948, the term "widow" shall mean a person who:

(i) Was married to the veteran ten or more years prior to the date of his death;

(ii) Lived with the veteran continuously from the date of marriage to the date of his death, as provided in § 5.2516;

(iii) Is 60 years of age or over;

(iv) Has not remarried;

(v) Is in dependent circumstances. In determining dependency, the criteria outlined in § 2.1057, of this chapter, for determining the dependency of a parent shall be applied. (Pub. Law 762, 80th Cong.)

(b) *Remarried widow.* The term "remarried widow" of a veteran of the Spanish-American War, Boxer Rebellion or Philippine Insurrection shall mean a person who married the veteran prior to January 1, 1938 (Pub. Law 242, 78th Cong., act of March 1, 1944), and who otherwise meets the requirements of paragraph (a) (1), of this section, and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on the part of the wife. (Pub. Law 166, 69th Cong., act of May 1, 1926). A remarried widow has no title under the provisions of Public Law 762, 80th Congress (act of June 24, 1948). (Pub. Law 762, 80th Cong.)

* * * * *

7. In § 5.2514 paragraphs (a), (b), (c) and (d) are amended to read as follows:

§ 5.2514 *World War I.* * * *

(a) *Widow.* * * *

(2) Must have lived continuously with the person who served from the date of marriage to the date of his death (this requirement was originally contained in section 4, Pub. Law 304, 75th Cong.), as provided in § 5.2516, and

(3) Must not have remarried since the death of the person who served. (Sec. 3, Pub. Law 514, 75th Cong.)

(b) *Widow.* For periods on or after December 14, 1944, the term "widow" of a World War I veteran shall mean a woman who was married to the person who served:

* * * * *

(5) *Provided,* That where the widow has been legally married to the veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage, as outlined in subparagraphs (1) and (2) of this paragraph, has been met. (Sec. 3, Pub. Law 483, 78th Cong.)

(c) *Child.* For the purposes of Public No. 2, 73d Congress, section 28, Public No. 141, 73d Congress, Public No. 484, 73d Congress, and amendments thereto, the term "child" shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child, a child legally adopted, a stepchild if a member of the man's household at the time of his death, an illegitimate child, but as to the father, only (1) if acknowledged in writing signed by him or (2) if he has been judicially ordered or decreed to contribute to such child's support, or (3) if he has been prior to date of death of the veteran, judicially decreed to be the putative father of such child, or (4) if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child; as to mother proof of birth is all that is required: *Provided,* That the payment of pension or compensation shall be continued after the age of eighteen years and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (Secs. 1 and 7, Pub. Law 144, 78th Cong.)

(d) *Parent; father; mother.* For the purposes of Public No. 2, 73d Congress, and Public No. 141, 73d Congress, as amended, the terms "parent," "father," and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year: *Provided,* That in claims based upon foster relationship, such relationship must have commenced prior to the veterans' majority: *Provided further,* That not more than one father and one mother, as defined, shall be recognized in any case, and preference shall be given to such father or mother who actually exercised parental relationship

at the time of or most nearly prior to the date of entry into active service by the person who served. (Sections 1 and 8, Pub. Law 144, 78th Cong.) If the person who last occupied the relationship of parent does not establish entitlement, a person who had previously occupied such relationship is not thereby made eligible to pension or compensation benefits. Public Law 144, 78th Congress, does not affect awards to persons who were on the rolls July 13, 1943. (Pub. Law 762, 80th Cong.)

8. In § 5.2515 the introductory paragraph and paragraph (a) are amended to read as follows:

§ 5.2515 *World War II.* For the purpose of adjudicating claims for death compensation or pension predicated on service rendered during World War II in an enlistment entered into prior to or on December 31, 1946, the following definitions of relationship shall govern:

* * * * *

(a) (1) Prior to or on December 31, 1956; and

(2) Must have lived continuously with the person who served from the date of marriage to the date of his death as provided in § 5.2516 (this requirement is applicable to awards approved on or after February 1, 1945), and (Pub. Law 762, 80th Cong.)

* * * * *

9. Sections 5.2547 and 5.2577 are amended to read as follows:

§ 5.2547 *Act of May 1, 1926 (Public No. 166, 69th Cong.) as amended by the act of June 11, 1940 (Public No. 594, 76th Cong.); act of March 1, 1944 (Pub. Law 242, 78th Cong.); act of June 24, 1948 (Pub. Law 762, 80th Cong.).* For the purposes of these acts, the widow, remarried widow, child, or children of a veteran who served 90 days or more during the Spanish-American War, Boxer Rebellion or Philippine Insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all leaves of absence and furloughs under General Orders numbered 130, August 29, 1898, War Department; or, regardless of the length of service, if the veteran was discharged for or died in service of a disability incurred in the service in line of duty shall be entitled to receive pension at the monthly rates specified in § 5.2634, when § 4.2007 of this chapter as to persons included, § 4.2018 of this chapter as to service, and § 4.2040 of this chapter as to character of discharge, are met.

(a) When a pension has been granted under the act of May 1, 1926, as amended by the acts of June 11, 1940, and March 1, 1944, to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or remarried widow shall not be entitled to a pension until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her; and, upon the granting of pension to such widow or remarried widow, payment of pension to such child or children shall cease: *Provided,* That where an unremarried widow becomes entitled to pension by reason of section 2, Public Law 242, 78th Congress (act of March 1, 1944), the pension payable to such widow and child or children not in her care and custody may be apportioned as prescribed in § 5.2591 effective from the date of commencement of the award to the widow.

(b) If pension has been granted to a child or children of the veteran, the widow shall not be entitled to the pension authorized by section 1, Public Law 762, 80th Congress, until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her: and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid by such child or children is less than the amount authorized to the widow, then the difference between said amounts shall be paid to the widow. (Sec. 2, 44 Stat. 382, 54 Stat. 301, secs. 2, 3, 4, 58 Stat. 107; 38 U. S. C. 351a, 364a, 364g, 364h, Pub. Law 762, 80th Cong.)

§ 5.2577 *Death pension or compensation payable solely by virtue of certain amendatory laws*—(a) *Public Law 144, 78th Congress.* The date of commencement of original awards of death pension or compensation, payable solely as a result of the provisions of Public Law 144, 78th Congress, shall be the day following the date of death of the veteran or July 13, 1943, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application. In no event, however, shall the rates of pension or compensation authorized by section 14 of the act be payable for any period prior to August 1, 1943.

(b) *Public Law 242, 78th Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of Public Law 242, 78th Congress, shall be the day following the date of death of the veteran or April 1, 1944, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to April 1, 1944. A claim pending on March 1, 1944, shall be considered a claim under this law.

(c) *Death pension payable solely by virtue of Public Law 762, 80th Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of Public Law 762, 80th Congress, shall be the day following the date of death of the veteran or June 24, 1948, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to June 24, 1948. A claim pending on June 24, 1948 shall be considered a claim under this law. (Sec. 16, 57 Stat. 559, 58 Stat. 107, 38 U. S. C. 364a, 364g, 364h, 365, 370, 731 note)

10. In § 5.2584 the opening paragraph and paragraph (a) are amended to read as follows:

§ 5.2584 *General law and service acts.* Awards of compensation or pension shall be reduced or discontinued as follows under:

General law (sections 4702 and 4707, Revised Statutes, as amended);

Service acts, relating to the Civil War, act of May 1, 1920 (41 Stat. 585); act of July 3, 1926 (44 Stat. 806); act of June 9, 1930 (46 Stat. 529); and act of December 8, 1944 (Pub. Law 471, 78th Cong.);

Indian wars, act of March 3, 1927 (44 Stat. 1361); and act of March 3, 1944 (Pub. Law 245, 78th Cong.);

War with Spain, Boxer Rebellion, and Philippine Insurrection, act of May 1, 1926 (44 Stat. 382), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935); Public Law 242, 78th Congress (act of March 1, 1944); Public Law 762, 80th Congress (act of June 24, 1948);

Act of July 13, 1943, Public Law 144, 78th Congress; and

Act of April 1, 1944, Public Law 280, 78th Congress.

(a) *Termination by limitation*—(1) *Widows and remarried widows.* (i) Death compensation or pension payable to a widow or remarried widow shall terminate the day of death or the day preceding remarriage. If the widow is receiving additional compensation or pension for a child or children based on service rendered prior to April 21, 1898, the date of termination of such additional compensation or pension shall be the date of death of the child or the day preceding the child's sixteenth birthday. If the widow is receiving additional compensation or pension for a child or children based on service rendered on and after April 21, 1898, the date of termination of such additional compensation or pension shall be the date of death, or the day preceding the child's eighteenth birthday, or the day preceding marriage in those cases in which the additional compensation or pension is payable solely by reason of the definition of the term "child" contained in section 7, Public Law 144, 78th Congress: *Provided,* That the discontinuance of additional compensation or pension for a child or children because of school attendance shall be effective as provided in § 5.2598 (g). Additional death compensation or pension being paid on behalf of any child by reason of permanent incapacity for self-support shall be discontinued effective the date of last payment when a determination has been made that such condition no longer exists. Additional compensation or pension for a helpless child who marries shall be discontinued as of the date preceding the marriage, except that where the award was approved under the general law or a service act prior to April 1, 1944, based on a finding that the child was helpless prior to attaining the age of 16 years the presumption that helplessness ceases on marriage may be overcome by positive proof of continuing helplessness.

* * * * *

(2) *Children.* * * *

(iv) *Marriage of helpless child.* Payments to or for a helpless child who marries shall be discontinued as of the date preceding the marriage, except that where compensation or pension has been allowed on the basis of a finding that the child was helpless prior to attaining the

age of 16 years and the award was approved prior to April 1, 1944, the presumption that the helpless condition has ceased may be overcome by positive proof of continuing helplessness. (Pub. Law 762, 80th Cong.)

* * * * *

11. Section 5.2590 is amended to read as follows:

§ 5.2590 *Readjustment after contingency. Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and as amended, Public No. 2, 73d Congress (act of March 20, 1933), as amended, sections 28 and 31, Public No. 141, 73d Congress (act of March 28, 1934), as amended, and Public No. 484, 73d Congress (act of June 28, 1934), as amended.* (a) In any claim under the above cited acts in which death pension or compensation is being paid the widow and other dependents of a person who served and an adjustment in the rates payable becomes necessary because of the death, remarriage, or forfeiture of title of one or more of the beneficiaries, readjustment will be made without the filing of a formal application. The rates for the remaining beneficiary or beneficiaries shall be the amount which would have been payable if they had been the sole original beneficiaries and will become effective the day following the date of discontinuance of payments under the prior award, provided the evidence necessary to effect an adjustment or resumption of payments is received in the Veterans' Administration within 1 year from the date of request therefor; if the evidence is not received within 1 year from the date of request therefor, payments will be authorized from the date of receipt of the evidence. (See § 3.1286 of this chapter.)

(b) (1) If a widow with a child or children has been paid compensation or pension subsequent to her remarriage at a rate in excess of that to which the child or children were entitled in their own right, an amended award will be made to the widow authorizing payment to her in her own right of the amount to which she was entitled for herself and child or children until the date next preceding the date of her remarriage and the amount to which the child or children would have been entitled if an award had been made to them from that date to the date of last payment to the widow. Thereafter, if in order, an award will be made to or in behalf of the child or children.

(2) If the rate payable for children in their own right is in excess of that paid to the widow, her award will be discontinued effective date of last payment and the award to the children will be made to commence the date of the widow's remarriage. The rate payable will be the difference between the amount paid to the widow and the amount payable for children in their own right, the available balance being proportionately divided. The full rate to which each child is entitled will be awarded commencing the day following the date of last payment to the widow. (Secs. 4, 9, 43 Stat. 9, 10; 38 U. S. C. 704, 709)

12. In § 5.2591 paragraph (c) is amended to read as follows:

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

§ 5.2591 *Apportionment.* * * *

(c) *Rates payable*—(1) *General*—(i) *Compensation.* For periods on and after September 1, 1948, in awards of death compensation at the rates provided by Public Law 868, 80th Congress, the rate payable for the widow shall be $60 monthly where the death of the veteran was due to wartime service or $48 monthly where the death of the veteran was due to peacetime service, and the remainder of the amount which would be payable to the widow if all children were in her custody will be equally divided among the children. The amount payable on behalf of any child or children in the widow's custody will be added to the widow's share. For periods prior to September 1, 1948, and where compensation is payable at a protected rate under section 20, Public No. 78, 73d Congress or section 28, Public No. 141, 73d Congress, the rule outlined in subdivision (ii) of this subparagraph shall apply.

(ii) *Pension.* Public No. 484, 73d Congress as amended and Veterans Regulation No. 1 (a), Part III (38 U. S. C. Ch. 12). Apportionment of death shall be computed as follows: The share for all children for whom claim is filed will be that amount to which they would be entitled if there were no widow. The widow's share will be the difference between the children's share and the total amount payable on account of the widow and all children for whom claim is filed. In all instances, the amount payable to or for the children will be divided equally among the children. The share for any children in the widow's custody will be added to the widow's share. If, in the application of this rule, the widow's share would be increased to an amount greater than the amount to which she would be entitled if there were no children, then her share will be the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share. If, however, in the application of this rule, the widow's share would be reduced to an amount lower than 50 percent of that to which she would be entitled if there were no children, then her share will be 50 percent of the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share.

* * * * *

(v) *Spanish-American War (Including Boxer Rebellion and Philippine Insurrection) Pension. Service act, reenacted by Public No. 269, 74th Congress and amended.* When pension is payable under Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress, and as amended, including Public Law 270, 80th Congress (act of July 30, 1947), the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940	On and after Sept. 1, 1946	On and after Sept. 1, 1947
Widow	$21.00	$28.00	$33.60
Child	15.00	18.00	21.60
Each additional child	6.00	6.00	7.20

Total amount for children equally divided.

The additional monthly payment of $10 provided by the act of March 1, 1944 (Pub. Law 242, 78th Cong.), because of attained age of a widow which applies only for the period from April 1, 1944, through August 31, 1946, shall be added to the widow's share. (Sec. 3, 48 Stat. 1281; 38 U. S. C. 505; Pub. Law 868, 80th Cong.)

* * * * *

13. Paragraphs (a) and (b) of § 5.2622 are amended to read as follows:

RATES OF DEATH PENSION AND COMPENSATION

Rates of Compensation for Death Due to Service

§ 5.2622 *Death due to peacetime service*—(a) *Peacetime rate.* (1) Where death resulted from active military or naval service rendered subsequent to March 4, 1861, during time of peace (except as to those instances falling within the purview of paragraph (b) of this section), the following rates are payable:

The statement of persons entitled and rates payable is cancelled and superseded by the following:

	Per month	
	Aug 1, 1943, to Aug. 31, 1948	On and after Sept. 1, 1948
Widow	$38.00	$60.00
Widow with 1 child	49.00	80.00
Each additional child	10.00	12.00
Children where there is no widow, total payable equally divided:		
1 child	19.00	46.40
2 children	28.00	65.60
3 children	36.00	84.80
Each additional child	8.00	16.00
Dependent mother or father	30.00	48.00
(Or both), each	20.00	28.00

(2) As to the widow, child or children, the total payable under subparagraph (1) of this paragraph shall not exceed $75.00 for periods prior to August 8, 1946. No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.)

(3) The foregoing rates for the period prior to September 1, 1948 are contained in Public Law 690, 77th Congress and section 14 (b), Public Law 144, 78th Congress. The rates on and after September 1, 1948 are authorized by Veterans' Regulation No. 1 (a), Part II, par. III, (38 U. S. C. ch. 12), as amended by section 3, Public Law 868, 80th Congress.

(b) *Wartime rate.* Where death resulted from active military or naval service rendered subsequent to March 4, 1861, during time of peace and from an injury or disease received in line of duty (a) as a direct result of armed conflict or (b) while engaged in extra hazardous service, including such service under

conditions simulating war, the rates outlined in § 5.2624 are payable. (Veterans' Regulation No. 1 (a), Part II, par. I (c), (38 U. S. C. ch. 12), as amended by Pub. Law 359, 77th Cong. and Pub. Law 868, 80th Cong.)

* * * * *

14. In § 5.2624 the introductory paragraph and paragraph (a) are combined and amended to read as follows:

§ 5.2624 *Death due to wartime service.* (a) (1) Where death resulted from active military or naval service rendered during the Civil War, the Indian wars, the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, World War I, or World War II, the following rates are payable:

	Per month		
	Aug. 1, 1943, to Aug. 31, 1946	Sept. 1, 1946, to Aug. 31, 1948	On and after Sept. 1, 1948
Widow	$50.00	$60.00	$75.00
Widow with one child	65.00	78.00	100.00
Each additional child	13.00	15.60	15.00
Children where there is no widow, total payable equally divided:			
1 child	25.00	30.00	58.00
2 children	38.00	45.60	82.00
3 children	48.00	57.60	106.00
Each additional child	10.00	12.00	20.00
Dependent mother or father	45.00	54.00	60.00
(Or both), each	25.00	30.00	35.00

(2) As to the widow, child or children, the total payable under subparagraph (1) of this paragraph shall not exceed $100 for periods prior to August 8, 1946. No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.)

(3) The foregoing rates for periods prior to September 1, 1948 are contained in section 5, Public No. 198, 76th Congress, as amended by section 10, Public Law 667, 77th Congress; section 14 (a), Public Law 144, 78th Congress; and section 2, Public Law 662, 79th Congress. The rates in section 5, Public No. 198, 76th Congress, originally applied only to World War I cases but were specifically made applicable to cases pertaining to the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, under the terms of Public Law 242, 77th Congress, and became applicable to cases pertaining to the other wars by reason of the provisions of Veterans' Regulations No. 1 (a), Part II, par. 1 (c) (38 U. S. C. ch. 12), as amended by Public Law 359, 77th Congress. The rates on and after September 1, 1948, as to cases pertaining to Spanish-American War, Boxer Rebellion and Philippine Insurrection, World War I and World War II are contained in Veterans' Regulation No. 1 (a), Part I, par. IV (38 U. S. C. ch. 12), by section 1, Public Law 868, 80th Congress, and are applicable to cases pertaining to other wars by virtue of the provisions of section 2, Public Law 868, 80th Congress. (Pub. Law 868, 80th Cong.)

* * * * *

15. Paragraph (a) of § 5.2626 is amended to read as follows:

§ 5.2626 *Death due to Veterans' Administration hospital treatment, etc.*— (a) *Rates under section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress.* Where death occurred under the conditions set forth in section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress, the rates payable (1) where the veteran served in a war are those authorized in paragraph (1), Veterans' Regulation 1 (g), (38 U. S. C. ch. 12), subject for periods on and after September 1, 1946, to the increases provided by section 2, Public Law 662, 79th Congress, or (2) where the veteran served during peacetime are those authorized in paragraph 2, Veterans' Regulation 1 (g); *Provided*, That for periods on and after September 1, 1948 the rates outlined in §§ 5.2622 or 5.2624, whichever is applicable, shall be payable. Nothing contained herein shall prevent the payment of a higher rate under a service or other act where authorized. (Pub. Law 868, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-8979; Filed, Oct. 8, 1948; 8:48 a. m.]

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS (APPENDIX)

NOTICE OF ACTION TAKEN ON CLAIMS INVOLVING PAYMENT OF SURVIVORS' INSURANCE BY FEDERAL SECURITY AGENCY

Paragraphs 5 and 6 of Veterans' Administration Instruction 1, Public Law 719, 79th Congress appearing in 38 CFR, 1946 Supp., Appendix, are amended to read as follows:

5. *Federal Security Agency procedure on initial claims for survivors' insurance.* In general the Federal Security Agency will conform to a procedure as follows: A claimant will be requested to inform that agency as to whether compensation or pension has been awarded by the Veterans' Administration. If the claimant satisfies that agency that an award has been made, the case will be closed insofar as that agency is concerned, and the Veterans' Administration will not be informed. In other cases, FSA Form OA-C650 will be sent to the Veterans' Administration to ascertain whether death compensation or pension has been awarded. The upper half of the form will be executed by Federal Security Agency, and two copies of the form will be sent to the appropriate Veterans' Administration branch office or to the Director, Dependents and Beneficiaries Claims Service, Washington 25, D. C. Action on the claim for survivors' will be deferred for a period of 60 days. If no reply is received from the Veterans' Administration within that period or the reply states that no claim has been filed, that a claim is pending, or that all claims filed have been disallowed, an award of survivors' insurance may be certified for payment. No follow-up on the form will be made prior to certification of the payment.

6. *Veterans' Administration disposition of FSA Form OA-C650*—(a) *Central office cases.* Upon receipt of FSA Form OA-C650 (5-48), there will be recorded on the lower half of the form, in duplicate, the status of any claim for death compensation or pension which may have been filed (pending, approved, or disallowed), or a statement under remarks showing that no such claim has been filed. In the event benefits have been awarded, the name, address, and relationship of the payee will be entered on the form. It will not be necessary to show that payments have been awarded to more than one person. The form will be signed by an attorney reviewer for the Director, Dependents and Beneficiaries Claims Service. The original will be forwarded to the Social Security Administration field office from which it originated and the duplicate placed in the XC folder. If upon receipt of FSA Form OA-C650 it is ascertained that the XC folder is in the custody of a branch office, the form will be referred to that office for disposition.

(b) *Branch office cases.* The procedure outlined in the preceding subparagraph will be observed in cases under the jurisdiction of a branch office. The form will be signed by an attorney reviewer for the Director, Claims Service. Where the form is received in a branch office which does not have jurisdiction over the XC folder, the form will be referred to the Director, Dependents and Beneficiaries Claims Service, Central Office.

(60 Stat. 979; 42 U. S. C. 410)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-8978; Filed, Oct. 8, 1948; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF DRESSED POULTRY AND OF VALENCIA ORANGES

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 26B]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF DRESSED POULTRY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.526 *Shipments of dressed poultry.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R.

1034, 2386; 13 F. R. 2971), or in Items 70 and 130 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of dressed poultry, whether fresh, chilled or frozen, when such freight is loaded to a weight not less than 28,000 pounds in a refrigerator car containing 1900 cubic feet or more of freight loading space, or when such freight is loaded to a weight of not less than 24,000 pounds in a refrigerator car containing less than 1900 cubic feet of freight loading space.

This General Permit ODT 18A, Revised–26B, shall become effective October 7, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of October 1948.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 48–8971; Filed, Oct. 8, 1948; 8:47 a. m.]

[Gen. Permit ODT 18A, Rev. 42]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF VALENCIA ORANGES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.543 *Shipments of Valencia oranges.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Valencia oranges when such carload freight is loaded to a weight not less than the applicable tariff carload minimum weight.

This General Permit ODT 18A, Revised–42, shall become effective October 7, 1948, and shall expire November 15, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of October 1948.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 48–8972; Filed, Oct. 8, 1948; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA–178]

ACCIDENT NEAR WINONA, MINN.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 93044, which occurred near Winona, Minnesota, on August 29, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, October 14, 1948, at 9:30 a. m. (local time) in the Winona Hotel, Winona, Minnesota.

Dated at Washington, D. C., October 5, 1948.

RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 48–8987; Filed, Oct. 8, 1948; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7950, 7951, 8114]

EAST TEXAS BROADCASTING CO. (KGKB) ET AL.

ORDER AMENDING ISSUE

In re applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB) Tyler, Texas, Docket No. 7950, File No. BP–4769; Radio Enterprises, Inc. (KELD) El Dorado, Arkansas, Docket No. 8114, File No. BP–5644, for construction permits; Hugh J. Powell (KGGF), Coffeyville, Kansas, Docket No. 7951, File No. BMP–2021, for modification of construction permit.

The Commission having under consideration a petition filed September 14, 1948, by Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, requesting the Commission to enlarge the issues in the further hearing upon the above-entitled applications for construction permits so as to include the following issue:

4. To determine whether the suggested KELD site is available as a transmitter site.

It is ordered, This 24th day of September, 1948, that the petition be, and it is hereby, granted; and that the Commission's order of August 25, 1948, designating the above-entitled applications for further hearing be, and it is hereby, amended to include the following issue:

4. To determine whether the suggested KELD site is available as a transmitter site.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–8990; Filed, Oct. 8, 1948; 8:51 a. m.]

[Docket No. 8400]

DROVERS JOURNAL PUBLISHING CO.

ORDER CONTINUING HEARING

In re application of Drovers Journal Publishing Company, Chicago, Illinois, Docket No. 8400, File No. BP–4796, for construction permit.

The Commission having under consideration a petition filed September 14, 1948, by Drovers Journal Publishing Company, Chicago, Illinois, requesting a continuance in the Oral Argument presently scheduled for October 4, 1948, upon its above-entitled application for construction permit;

It is ordered, This 24th day of September, 1948, that the petition be, and it is hereby, granted; and that the oral argument in the above-entitled proceeding presently scheduled for October 4, 1948, be, and it is hereby, continued indefinitely without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–8991; Filed, Oct. 8, 1948; 8:51 a. m.]

[Docket No. 8887]

ROCK RIVER VALLEY BROADCASTING CO. AND WATERTOWN RADIO, INC.

MEMORANDUM OPINION AND ORDER REDESIGNATING APPLICATION FOR HEARING

In re applications of Rock River Valley Broadcasting Company, Watertown, Wisconsin, Docket No. 8887, File No. BP–6538; Watertown Radio, Inc., Watertown, Wisconsin, File No. BP–6426, for construction permits.

By the Commission: Commissioner Webster not participating; Commissioners Hyde and Jones dissenting.

The Commission has before it a petition filed August 30, 1948, by Watertown Radio, Inc., Watertown, Wisconsin, requesting reconsideration of the action of Motions Commissioner Webster on August 20, 1948, in granting a petition filed August 13, 1948, by Rock River Valley Broadcasting Company, Watertown, Wisconsin. The Rock River petition requested leave to amend its application for construction permit (File No. BP-6538, Docket No. 8887) which then specified 920 kc, 500 w power, daytime only, so as to specify 1580 kc, 250 w power, daytime only. On September 10, 1948, Rock River filed an opposition to Watertown's petition of August 30, 1948.

To more fully understand what is involved here, it is necessary that a brief history of the applications of Watertown Radio, Inc. and Rock River Valley Broadcasting Company be given. In November, 1947, Watertown Radio, Inc. filed an application for the use of the frequency 1580 kc with 250 w power, daytime only, at Watertown, Wisconsin (File No. BP-6426). In January, 1948, Rock River Valley Broadcasting Company filed an application for the use of the frequency 920 kc with 250 w power, daytime only, also at Watertown. On April 1, 1948, the Commission designated the Rock River application for hearing with the mutually exclusive application of Metropolitan Broadcasting Company, Whitefish Bay, Wisconsin (File No. BP-5755, Docket No. 8202). On August 20, 1948, the Motions Commissioner granted Rock River's amendment to change frequency to 1580 kc and removed the application, as amended, from the hearing docket, thereby making Rock River's application mutually exclusive with the still pending application of Watertown Radio, Inc. for 1580 kc. Petitioner argued against the grant of the Rock River amendment at the Motions Docket hearing on August 20, 1948, and thereafter filed the instant petition for reconsideration which, as aforesaid, was opposed by Rock River.

The petition of Watertown for reconsideration was largely predicated upon the contention that Rock River failed to meet the requirements of § 1.365 (a)[1] of the Commission's rules in that it did not show good cause why the amendment to the frequency sought should be granted.

The opposition of Rock River to Watertown's petition is based upon three principal contentions, viz, that Watertown has no standing to urge the present petition, that good cause has been shown by it, and that there was no abuse of discretion on the part of the Motions Commissioner in permitting the amendment.

To support its contention that good cause was not shown, Watertown argues that no cause was shown justifying a grant of the amendment; that numerous prior precedents relative to granting similar amendments are not relevant since there was no argument in those cases about good cause; that to hold that good cause is not a condition precedent to allowing an amendment would leave the Commission's rules wholly without meaning, since applicants, whether designated for hearing or not, could amend as a matter of right, and the discretion vested in the Motions Commissioner to weigh the showing of good cause would cease to exist. Petitioner argues that it was even impossible to spell out from the petition to amend or the accompanying amendment any unstated good cause that would justify a grant of the amendment; that at the oral argument before the Motions Commissioner, Rock River made an allegation that all but one of its parties were local residents, but that this is not a sufficient reason to justify a change to the inferior 1580 kc frequency; that as a matter of law the petition to amend should have been denied since it failed to state any facts establishing good cause as required by the Commission's rules; that a grant of the amendment encourages "frequency-hopping" whereas, in the absence of good cause, applicants should be required to stand by their original proposals; and that it is contrary to orderly administration to allow the Rock River amendment in the instant circumstances.

The opposition filed by Rock River Valley Broadcasting Company asserts that petitioner has no standing to urge the present petition since it is not an "interested party" within the meaning of § 1.745 of the rules relative to the filing of a petition for review of the action of the Motions Commissioner. Rock River states that petitioner is not a party to the consolidated proceeding in which the Rock River petition for leave to amend is a pleading; that petitioner's ultimate expectancy of harm resulting from the action of the Motions Commissioner does not clothe it with an interest sufficient to raise the instant appeal; and that accordingly petitioner has no standing to prosecute the instant appeal from the action of the Motions Commissioner. Relative to the good cause argument, Rock River asserts that § 1.365 (a) of the rules does not require good cause to be shown in the petition, but only that the Motions Commissioner grant the petition for good cause shown; that it is apparent that the Motions Commissioner considered the question of good cause in his determination; that petitioner's chief concern is the fact that its application will be consolidated for hearing with Rock River's application; that petitioner is utilizing the instant petition as a sounding board in order to determine why its application has not been granted heretofore by the Commission in view of the fact that other applications bearing higher file numbers have been granted; that this reason does not justify a departure from precedent in acting upon a petition for leave to amend; that insofar as petitioner requests oral argument before the Commission that is merely an attempt to provide an opportunity to emphasize the abuse which it has allegedly received from the Commission; and that accordingly the petition for reconsideration and oral argument should be denied.

The important issues raised by the instant petition and the opposition thereto are twofold, namely whether in the absence of a showing of "good cause" a Motions Commissioner is bound as a matter of law to deny a petition to amend; and secondly whether a party, who is not a party of record in a proceeding, can prosecute an appeal from an action of the Motions Commissioner in a pleading relative to that proceeding.

We are of the opinion that Watertown had standing to oppose the amendment of Rock River and has standing to file the present petition. Section 1.745 relating to adverse rulings by the Motions Commissioner and appeals therefrom provides that "Within two days [2] from the date of any ruling on a petition, motion, or other matter by the presiding officer of the motions docket, any interested party may petition for a review of such ruling by a quorum of the Commission." It should be noted that the language used is "any interested party" and not "any party to the proceeding". The first phrase is patently broader than the second, and in this light the contention of Rock River that Watertown has no standing as a party to protest loses whatever force it might otherwise have. It is unrealistic to suppose that in a case of this type there would be objection of the other party to the proceeding out of which Rock River was attempting to amend, and, if that other party were the only one who could object, the rule would be practically meaningless. Certainly Watertown would be affected by a request to change to the same frequency specified by it thus necessitating comparative consideration of two applications for the same facilities in the same town. It thus is "an interested party" within the meaning of the rule.

Since Watertown has, as we have held, status to object to the proposed amendment of Rock River, it is vitally interested in whether compliance is had with that provision of § 1.365 (a) requiring that good cause be shown. While in cases where there is no opposition to an amendment, the Commission may at its own discretion overlook the showing of good cause, yet when the question of whether a petitioner has shown good cause is raised, it must be met, and to hold otherwise would be reading language out of the rule and necessitate the conclusion that anyone could amend as a matter of right. The determination of this matter does not hinge on whether the Motions Commissioner exercised discretion and found that good cause was shown, although it is quite apparent that good cause was not shown. The Motions Commissioner stated that without regard to the merits of petitioner's case he felt himself bound to follow precedents cited by Commission Counsel—that prior decisions of Motions Commissioners had granted leave to amend even though the

[1] Section 1.365 (a) provides in part that "Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendment in question duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown . . .".

[2] The Motions Commissioner, after granting the petition to amend and noting Watertown's exception, granted Watertown's oral motion for an extension to August 30, 1948, for the filing of the instant petition.

amendment proposed was mutually exclusive with pending applications not yet heard.

For the foregoing reasons, it is therefore ordered this 30th day of September, 1948, that the petition for reconsideration filed by Watertown Radio, Inc., on August 30, 1948, be, and it is hereby, granted; that the action of the Motions Commissioner granting the petition filed August 13, 1948, by Rock River Valley Broadcasting Company requesting leave to amend be, and it is hereby reversed; and that the aforesaid application of Rock River Valley Broadcasting Company be, and it is hereby, restored to the hearing docket.

Released: October 1, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8992; Filed, Oct. 8, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1091]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed July 23, 1948, as supplemented on September 7, 1948, by Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business at Colorado Springs, Colorado, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as more fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 13, 1948 (13 F. R. 4701).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 20, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8974; Filed, Oct. 8, 1948; 8:47 a. m.]

[Docket No. G-1093]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed August 9, 1948, as supplemented September 13, 1948, by Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business at Dallas, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 20, 1948 (13 F. R. 4840).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 21, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8973; Filed, Oct. 8, 1948; 8:47 a. m.]

[Docket No. G-1113]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application field August 30, 1948, by Southern Natural Gas Company (Applicant), a Delaware Corporation with its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to the public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 14, 1948 (13 F. R. 5349).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 25, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8975; Filed, Oct. 8, 1948; 8:48 a. m.]

[Docket No. G-1114]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 5, 1948.

Upon consideration of the application filed August 30, 1948, by Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to sec-

tion 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 14, 1948 (13 F. R. 5349).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 25, 1948, at 9:45 a. m. (e. s. t.), in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8976; Filed, Oct. 8, 1948; 8:48 a. m.]

[Docket No. G-1121]

KENTUCKY WEST VIRGINIA GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 5, 1948.

Upon consideration of the application filed September 9, 1948, by Kentucky West Virginia Gas Company (Applicant), a West Virginia Corporation having its principal place of business at Ashland, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 30, 1948 (13 F. R. 5671).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing be held on October 26, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 6, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8977; Filed, Oct. 8, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1945]

COLUMBIA GAS SYSTEM, INC.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October A. D. 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed an application-declaration pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder, with respect to the following transactions:

Columbia has presently outstanding 12,229,874 shares of common stock, without par value. Columbia proposes to offer to its common stockholders, at the price of $10.00 per share, an additional 1,223,000 shares of common stock. Rights to Subscribe will be issued to the common stockholders on the basis of one share of new common stock for each ten shares of common stock held by them. The prceeds from the sale of the new common stock will be used by Columbia to finance in part its 1949 construction program.

Common stockholders will also have the privilege of subscribing to such of the new common stock not subscribed for through the exercise of Rights to Subscribe, subject to pro rata allotment. The Rights to Subscribe together with the additional subscription privilege will be evidenced by transferable warrants. No fractional shares of common stock will be issued, but rights in excess of those necessary to subscribe for a full share may be sold or additional rights may be purchased to entitle the holder of the warrant to subscribe to one or more full shares of common stock.

The declaration further states that while the offer to the stockholders will not be underwritten, Columbia proposes to arrange for the payment of fees to members of the National Association of Security Dealers for subscriptions for new common stock solicited. In addition to the other estimated fees and expenses to be incurred by it in connection with the financing, Columbia proposes to pay participating dealers a fee of 25¢ for each share of additional common stock issued pursuant to the subscription offer in those cases where the names of such participating dealers appear on the exercised warrants.

Columbia proposes to stabilize the price of its common stock and/or the rights to subscribe to the additional common stock for the purpose of facilitating the distribution and offering of the additional common stock. In connection therewith, Columbia may, after the making of its subscription offer and prior to the expiration thereof, purchase shares of common stock and Rights to Subscribe on the New York Stock Exchange and/or The Pittsburgh Stock Exchange through brokers with the payment of the regular stock exchange commission. Any rights which are purchased by Columbia may be retained, or may be sold by it on the exchanges at the current price and with payment of the regular stock exchange commission, or may be sold on the over-the-counter markets at prices not to exceed the current price of rights as quoted on the New York Stock Exchange and with payment of commissions not in excess of the regular New York Stock Exchange Commission on such transaction. Columbia states that it will at no time acquire a net long position of shares of common stock (including for this purpose the equivalent shares represented by rights acquired) in excess of 10% of the additional common stock to be offered. Prior to selling shares of common stock purchased in connection with the stabilization program, Columbia will file a post-effective amendment to its declaration, setting forth the terms and conditions upon which it will sell or dispose of such shares.

Said application-declaration, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applica-

tion-declaration be granted and be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application-declaration be, and the same hereby is, granted, and permitted to become effective forthwith.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the reasonableness of the fees and expenses to be paid by Columbia in connection with the transactions proposed herein, excepting, however, the payment of 25¢ per share to participating dealers for subscriptions for new common stock solicited, which payment is hereby permitted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8981; Filed, Oct. 8, 1948, 8:49 a. m.]

[File No. 70-1950]

NORTH AMERICAN CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October 1948.

The North American Company ("North American"), a registered holding company, has filed an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("Act") relating to the transactions summarized below:

North American proposes to purchase on the New York Stock Exchange, the San Francisco Stock Exchange and the Los Angeles Stock Exchange such number of shares of Common Stock of Pacific Gas and Electric Company as it may deem necessary or appropriate for the purpose of stabilizing the market price of such stock on the respective exchanges during the period commencing at 10:00 a. m., e. s. t. on the day fixed for the opening by North American of bids for the purchase of 75,000 shares of Common Stock of Pacific Gas and Electric Company, to be sold by North American, and ending at the time of acceptance of a bid or the rejection of all bids. It is proposed that any shares which North American may purchase pursuant to the stabilizing program will be sold on the New York Stock Exchange as soon as practicable after the consummation of the sale of the said 75,000 shares.

Appropriate notice pursuant to Rule U-44 (c) with respect to the proposed sale of the 75,000 shares of Common Stock of Pacific Gas and Electric Company, and the sale of any shares acquired as the result of stabilization, has been given to the Commission by North American and no filing has been required by the Commission with respect to such sales.

North American states that it will report by amendment the results of its request for competitive bids and at that time will request the entry of a supplemental order, conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, before consummating the sale of the said 75,000 shares to the successful bidder.

The application having been filed on September 17, 1948, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding, with respect to the proposal to acquire shares of Common Stock of Pacific Gas and Electric Company for the purpose of stabilizing the market price of said stock, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said application with respect to said proposed acquisition of Common Stock of Pacific Gas and Electric Company be granted:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the Commission's order of April 14, 1942, requiring, among other things, that The North American Company sever its relationship with Pacific Gas and Electric Company by disposing of or causing the disposition of, in any appropriate manner not in contravention of the applicable provisions of the act or of the rules and regulations promulgated thereunder, its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Pacific Gas and Electric Company, shall be deemed to require the disposition of any shares of Common Stock of Pacific Gas and Electric Company acquired by The North American Company as a result of stabilizing the market price of such stock, as authorized herein, with the same force and effect as if said shares had been held by The North American Company as of the date of the said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8985; Filed, Oct. 8, 1948; 8:50 a. m.]

[File Nos. 70-1953, 70-1956]

SIOUX CITY GAS AND ELECTRIC CO. AND IOWA PUBLIC SERVICE CO.

NOTICE OF FILING OF APPLICATIONS-DECLARATIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 4th day of October 1948.

In the matter of Sioux City Gas and Electric Company and Iowa Public Service Company, File No. 70-1956; Sioux City Gas and Electric Company, File No. 70-1953.

Notice is hereby given that applications-declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "Act"), by Sioux City Gas and Electric Company ("Sioux City"), a registered holding company and a public utility company, and its public utility subsidiary, Iowa Public Service Company ("Iowa"), also a registered holding company, with respect to the financing of Sioux City and Iowa. Applicants-declarants have designated sections 6 (a), 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 18, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said filings which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 18, 1948 said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications-declarations which are on file in the offices of this Commission for a statement of the proposed transactions which are summarized as follows:

1. *Proposed financing of Iowa.* Iowa proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50, $3,000,000 principal amount of its First Mortgage Bonds to be dated as of November 1, 1948, and to mature in 1978. The bonds are to be issued pursuant to and secured by Iowa's present indenture dated as of June 1, 1946, as supplemented by indentures dated as of September 1, 1947, and to be dated as of November 1, 1948.

Iowa also proposes to issue and sell, at a price subsequently to be determined and presently estimated by the company at about $15 per share, 109,866 additional shares of its authorized but unissued $15 par value common stock. The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of ⅛ of a share of additional common stock for each one share of common stock held. The right to subscribe for said shares of common stock is proposed to be evidenced by Full Share and Fractional Share Subscription Warrants in transferable form. As fractional shares of common stock will not be issued, fractional share subscription warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares.

Sioux City, which is the holder of 403,545 shares of the issued and outstanding common stock of Iowa, proposes to subscribe for and purchase the 67,257 shares to which it will be entitled to subscribe. If any of the remaining 42,609 shares are not subscribed for by the public holders of warrants, Sioux City proposes to purchase such shares so that the entire proposed issue of common stock of Iowa of 109,866 shares will be fully subscribed.

The filing states that the net proceeds from the sale of the bonds and common stock of Iowa will be used, together with funds derived from operations, to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to the company's property or to reimburse its treasury in part for expenditures made for such purposes. The company contemplates expenditures for property additions during the years 1948 through 1951 in a total amount estimated at $25,147,777. The company states that as additional funds are required, they may be provided from cash resources, from borrowings and/or from the proceeds of the sale of additional securities.

2. *Proposed financing of Sioux City.* Sioux City proposes to issue and sell $1,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, 3% Series due 1978. The bonds are to be issued pursuant to and secured by Sioux City's present indenture dated as of December 1, 1945, as supplemented by an indenture to be dated as of October 1, 1948. The bonds are to be sold for cash at private sale to the New York Life Insurance Company at 99½% of the principal amount and accrued interest to the date of delivery.

Sioux City also proposes to issue and sell, at a price subsequently to be determined and presently estimated by the company at about $26 per share, 71,362 shares of its authorized but unissued $12.50 par value common stock. The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of ⅕ of a share of additional common stock for each one share of common stock held. The right to subscribe for said shares of common stock is proposed to be evidenced by Full Share and Fractional Share Subscription Warrants, which are to be issued in transferable form. As fractional shares of common stock will not be issued, fractional share subscription warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares. Each holder of subscription warrants will be entitled to purchase from Sioux City any shares covered by outstanding warrants which are not exercised, which right will, however, be subject to allotment.

The filing indicates that the net proceeds from the sale of bonds will be used to reimburse the company's treasury in part for capital expenditures heretofore incurred, while the net proceeds from the sale of the stock will be added to the general funds of the company and will be used, together with other funds of the company, to make the proposed additional investment in the common stock of Iowa above described and to pay in full or reduce Sioux City's 1¾% note to Bankers Trust Company in the principal amount of $1,800,000 due October 6, 1949.

With respect to the above proposed financings of Sioux City and Iowa the filings state as follows:

> It is the present intention of the management of Sioux City Gas and Electric Company and of Iowa Public Service Company to initiate, upon completion of present financing programs, proceedings to effect a consolidation of the properties of Sioux City Gas and Electric Company and of Iowa Public Service Company, by the filing with the Securities and Exchange Commission of a plan pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 providing for a merger of Iowa Public Service Company into Sioux City Gas and Electric Company pursuant to the provisions of the Iowa and Delaware statutes, or by such other means as may be approved by the Securities and Exchange Commission. The proposed merger will probably involve the assumption by Sioux City Gas and Electric Company of the bonds of and of all other debts of Iowa Public Service Company, the issuance, on a share for share basis, of preferred stock of Sioux City Gas and Electric Company having the same dividend rate and redemption prices as the outstanding preferred stock of Iowa Public Service Company, for the latter preferred stock, the issuance of common stock of Sioux City Gas and Electric Company for the common stock of Iowa Public Service Company outstanding in the hands of the public on a basis not yet determined, and, as a part of such merger or subsequent thereto, the issuance of additional securities of Sioux City Gas and Electric Company to secure new money for construction and/or other corporate requirements of the combined properties. Attention is directed to the fact that plans under the provisions of Section 11 of the Act may, upon approval by the Securities and Exchange Commission and a United States Court, involve mandatory exchanges of securities, in certain cases without regard to any vote of security holders or to any appraisal rights which might otherwise vest in security holders by virtue of the provisions of state statutes, charters or by-laws.

The filings state that the need for funds to finance the construction program of Iowa is urgent and cannot await the completion of the contemplated merger of Iowa and Sioux City.

The applicants-declarants have requested that the Commission's order in File No. 70–1953 be issued not later than October 21, 1948, and that its order in File No. 70–1956 be issued not later than October 28, 1948, and that both of said orders be made effective forthwith upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8986; Filed, Oct. 8, 1948; 8:50 a. m.]

[File No. 70–1960]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October 1948.

Notice is hereby given that The North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union Electric"), a registered holding company and an electric utility company, have filed a joint application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder. Applicants-declarants have designated sections 6 (a), 7, 9 (a) (1) and 10 of the act and rules U-23, U-43 and U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Union Electric proposes to amend its Articles of Incorporation in order to change each of the 3,300,000 shares of its authorized common stock, without par value, into 3½ shares of common stock, without par value, so that the aggregate number of authorized shares of common stock will be 11,550,000 shares. Union Electric proposes to issue and North American proposes to acquire 9,782,500 shares of the new common stock in exchange for 2,795,000 shares representing the presently outstanding common stock of Union Electric, all of which stock is owned by North American. No change in the present aggregate stated value of the issued and outstanding common stock will be made.

It is also proposed, as incidental to the foregoing proposal, that the Articles of Incorporation be further amended to increase the authorized common stock of Union Electric from 11,550,000 to 12,000,000 shares.

Union Electric also has 750,000 authorized shares of preferred stock of which 383,597 shares are outstanding. North American owns 152 shares of such preferred stock which, together with its holdings of 2,795,000 shares of Union Electric common stock, represent 87.94% of the voting power of all the outstanding capital stock of Union Electric.

Applicants-declarants state that the proposed transactions would increase the voting power of North American to 96.2% and that as a result thereof consolidated Federal income tax returns could be filed by North American, which could include Union Electric and its subsidiaries. It is asserted that a substantial reduction in Federal income taxes would result from filing a consolidated tax return.

The application-declaration states that the Missouri Public Service Commission has jurisdiction over the proposed transactions.

Applicants-declarants request that an order be issued by this Commission at the earliest practicable date so that the transactions may be completed as soon as possible.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said applica-

tion-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on October 15, 1948, at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before October 14, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other hearing officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issuance of new common stock by Union Electric satisfies the requirements of sections 6 (a) and 7 of the act.

2. Whether the proposed acquisition by North American from Union Electric of the new shares of common stock satisfies the requirements of section 10 of the act and, specifically, whether such proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the act and the Commission's order, dated April 14, 1942.

3. Whether the terms and conditions of the proposed issuance of the new common stock by Union Electric are detrimental to the public interest or to the interest of investors or consumers.

4. Whether the proposed issuance of common stock by Union Electric will result in an unfair or inequitable distribution of voting power among the holders of outstanding securities of Union Electric, or is otherwise detrimental to the public interest or the interest of investors or consumers.

5. Whether the fees or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers, and, if so, what such terms and conditions should be.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on The North American Company, Union Electric Company of Missouri, the Missouri Public Service Commission, the Federal Power Commission, and the City of St. Louis, Missouri, that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8982; Filed, Oct. 8, 1948; 8:49 a. m.]

[File No. 70-1963]

NORTH AMERICAN LIGHT & POWER CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October 1948.

In the matter of North American Light & Power Company, the Kansas Power and Light Company, Missouri Power and Light Company, File No. 70-1963.

Notice is hereby given that North American Light & Power Company ("Light & Power"), a registered holding company and a subsidiary of The North American Company, also a registered holding company, and The Kansas Power and Light Company ("Kansas") and Missouri Power & Light Company ("Missouri"), public utility subsidiaries of Light & Power, have filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder. The applicants-declarants designate sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rules U-20, U-22 and U-23 of the general rules and regulations promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Light & Power presently owns all of the outstanding common stock of Kansas and of Missouri. Kansas proposes to amend its Articles of Incorporation so as to reduce the par value of its common stock from $10 per share to $5 per share and to increase the number of outstanding shares from 1,550,000 to 3,100,000 or in a ratio of 2 shares of new common stock for each share presently outstanding, and by such amendment to change the total authorized amount of its common stock from 2,000,000 shares of a par value of $10 per share to 4,000,000 shares of a par value of $5 per share. Light & Power proposes to acquire the 3,100,000 shares of new common stock in exchange for the 1,550,000 shares of common stock which it holds.

Missouri proposes to amend its Articles of Incorporation so as to reduce the par value of its common stock from $20 per share to $5 per share and to increase the number of outstanding shares from 265,000 to 1,060,000 by issuing 4 shares of new common stock for each share presently outstanding. Missouri, by such amendment, would change the total amount of its authorized common stock from 375,000 shares of a par value of $20 per share to 1,500,000 shares of a par value of $5 per share. Light & Power proposes to acquire the 1,060,000 shares of new common stock in exchange for 265,000 shares of the common stock which it now holds.

The applicants-declarants state that the purpose of the proposed transactions is to increase Light & Power's percentage of total voting power held in Kansas, which has voting preferred stock outstanding, from 91.79% to 95.72% and in Missouri, which has voting preferred stock outstanding, from 86.89% to 96.36%. It is asserted that the increase in the voting power will enable Light & Power, Kansas and Missouri to file consolidated tax returns and that substantial tax savings to each of the companies would result therefrom.

The application-declaration states that the State Corporation Commission of the State of Kansas has jurisdiction over the transactions proposed by Kansas, and that the Public Service Commission of the State of Missouri has jurisdiction over the transactions proposed by Missouri.

Applicants-declarants request that an order be issued at the earliest practicable date approving the proposed transactions so that they may be completed as soon as possible.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on October 14, 1948, at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW., Washington 25, D.C. On such date the hearing-room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before October 13, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other hearing officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 13 (c)

of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issuance of new common stock by Kansas and Missouri satisfies the requirements of sections 6 (a) and 7 of the act.

2. Whether the proposed acquisition by Light & Power from Kansas and Missouri of the new shares of common stock satisfies the requirements of section 10 of the act and, specifically, whether such proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the act, the Commission's order, dated December 30, 1941, and the provisions of Amended Plan I, approved by this Commission on June 25, 1947, and by the District Court of the United States, for the District of Delaware, on November 6, 1947.

3. Whether the terms and conditions of the proposed issuance of the new common stock by Kansas and Missouri are detrimental to the public interest or to the interest of investors or consumers.

4. Whether the proposed issuances of common stock by Kansas and Missouri will result in an unfair or inequitable distribution of voting power among the holders of outstanding securities of Kansas and Missouri; or are otherwise detrimental to the public interest or the interest of investors or consumers.

5. Whether the fees or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers and, if so, what such terms and conditions should be.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on North American Light & Power Company, Missouri Power and Light Company. The Kansas Power and Light Company, the Missouri Public Service Commission, the State Corporation Commission of the State of Kansas and the Federal Power Commission, that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8983; Filed, Oct. 8, 1948; 8:49 a. m.]

No. 198——4

[File No. 811-16]

FORESIGHT FOUNDATION, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October A. D. 1948.

Notice is hereby given that Foresight Foundation, Inc. (Applicant), a registered closed-end, non-diversified, management investment company, with its principal place of business at 100 West Tenth Street, Wilmington 99, Delaware, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company or, in the event that the Commission deems it inappropriate at this time to find that it has ceased to be an investment company, for an order exempting the applicant from the provisions of section 30 (a), (b) and (d) of the act and Rules N-30A-1, N-30B1-1 and N-30D-1 insofar as said section and rules require applicant to file annual and quarterly reports with the Commission and to transmit reports at least semi-annually to stockholders.

The application discloses that the applicant, a Delaware corporation, has liquidated its portfolio and as of June 30, 1948 its sole asset consisted of cash in the amount of $41,042.69. A special meeting of stockholders of the applicant was held on July 22, 1948 at which stockholders authorized: (1) The applicant to cease doing business as an investment company, (2) The dissolution of the applicant, (3) The filing of certificates of dissolution with the proper authorities, and, (4) applicant's officers to do all things necessary to marshal applicant's assets, satisfy or provide for its obligations and liabilities, distribute its assets and wind up the affairs of the company. A certificate of dissolution of applicant was filed with the Secretary of the State of Delaware on August 13, 1948.

Applicant's outstanding capital stock as of June 30, 1948 consisted of 8,136 shares of Class A stock, $1.00 par value, without voting rights, and 35,279 shares of Class B stock, $.01 par value, with voting rights. The net asset value of the Class A stock as of June 30, 1948 was $3.73 per share. The certificate of incorporation of the applicant provides that the holders of the Class A stock on any liquidation, whether voluntary or involuntary, shall be entitled to receive a sum equal to $25 per share plus a dividend at the rate of $1.25 per share per annum for the then current fiscal year apportioned to the date of such payment and no more before any distribution may be made to the holders of the Class B stock. Since the net assets of the applicant are insufficient to satisfy in full the liquidation preference of the Class A stock, no distributions will be made to the holders of the Class B stock.

The application further discloses that in the period from June 30 to September 9, 1948, applicant made disbursements aggregating $30,694.85, consisting of $895.20 expended between June 30 and July 21, 1948, in retiring 240 shares of Class A stock at the net asset value of $3.73 per share, $9,763.20 in payment of a special dividend of $1.20 per share declared on the Class A stock prior to June 30, 1948, $19,740 deposited in trust with The Pennsylvania Company for Banking and Trusts as a liquidating dividend of $2.50 per share on the Class A stock, and $296.45 for sundry taxes and expenses. Applicant's officers have no knowledge of any outstanding claims against it, except for possible federal income taxes which may be determined to be due. Applicant's assets as of September 9, 1948 consisted of cash in the amount of $10,347.84. It is estimated that $650 of this amount will be required for payment of additional liquidation expenses and the balance of $9,697.84 will be retained pending final determination of its income tax liability. After payment of any federal income taxes determined to be due, the balance of the funds then remaining are to be deposited in trust with The Pennsylvania Company for Banking and Trusts for distribution to the holders of the Class A stock.

All interested persons are referred to said application which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after October 20, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act.

Any interested person may, not later than October 18, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information, or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8984; Filed, Oct. 8, 1948; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11951]

AGNES E. OSGOOD

In re: Estate of Agnes E. Osgood, deceased. File No. D–28–8170; E. T. sec. 9156.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Myrtle Cram Klein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Agnes E. Osgood, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of La Salle County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of La Salle County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–8995; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 11954]

ELIZABETH S. VON RUMOHR AND GUSTAV A. REUSS

In re: Trust agreement dated April 22, 1921 between Elizabeth S. von Rumohr, settlor and Gustav A. Reuss, trustee. File No. D–28–10279–G–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Karl von Rumohr, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to, and arising out of or under that certain trust agreement dated April 22, 1921 by and between Elizabeth S. von Rumohr, settlor and Gustav A. Reuss, trustee, presently being administered by The First National Bank of Chicago, successor trustee, 38 South Dearborn Street, Chicago 90, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–8996; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 11993]

CELIA WITT

In re: Trust under the will of Celia Witt, deceased. File No. D–28–10604–G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marga Wulff (Brodorski), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the trust created under the will of Celia Witt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Harris Trust and Savings Bank, as Successor Trustee, acting under the judicial supervision of the Superior Court of Cook County, Chicago, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–8997; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 12049]

HERBERT C. BERGEN ET AL.

In re: Herbert C. Bergen, Executor of the estate of Therese Ristau, deceased, plaintiff, vs. Christian Ristau, et al. defendants. D–55–1309; E. T. sec. 15778.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar Albert, Anna Roloff, and Paul Albert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Herbert C. Bergen, Executor of the Estate of Therese Ristau, deceased, plaintiff, vs. Christian Ristau, et al., Defendants, No. 46–E–48" in the Circuit Court of Henry County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl A. Molin, Master in Chancery, acting under the judicial supervision of the Circuit Court of Henry County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8998; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 12050]

ARMINE HUBBARD AND FIRST NATIONAL BANK OF CHICAGO

In re: Trust agreement dated June 26, 1946, between Armine Hubbard, donor and The First National Bank of Chicago, Trustee, and known as Trust No. 21569. File No. D-28-10910-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm (Wilhelm) Koerner, Luise Wasch, nee Koerner, Johanna Hemmerich, nee Koerner, Anita Koerner, Frederick (Fritz) Koerner, Hildegard Heuer, nee Koerner, Elizabeth (Elise) Neubert, nee Koerner, Ilse Fischer, nee Neubert, Hildegard Wallendorf, nee Neubert, Martha (Gleishman) Gleichmann, nee Koerner, Joachim (Gleishman) Gleichmann, Klara (Clara) Tresselt, nee Draeger, Hedwig Albrecht, Helene Reinhardt, Franz Draeger, Oskar Draeger, Paul Draeger, Alfred Draeger, Walter Draeger, Erna Grammel, nee Draeger, and Hedwig Eichler, nee Draeger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 26, 1946, by and between Armine Hubbard, Donor and The First National Bank of Chicago, Trustee, presently being administered by The First National Bank of Chicago, Trustee, 38 South Dearborn Street, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8999; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 12094]

MARIE A. THEIS

In re: Bank account, bonds, stock and other securities owned by Marie A. Theis also known as Maria A. Theis. F-28-29106-A-1, F-28-29106-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie A. Theis also known as Maria A. Theis, whose last known address is 34 Groverstr., 20 Rodenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation owing to Marie A. Theis also known as Maria A. Theis, by American National Bank and Trust Company of Chicago, La Salle Street at Washington, Chicago, Illinois, arising out of a Savings Account, account number 237, entitled Marie Theis, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. One (1) Chicago Builders' Building First Mortgage Leasehold Sinking Fund Cumulative Income Bond, of $250.00 face value, bearing the number 3783, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

c. One (1) Maryland Theatre & Office Building (Chicago, Illinois) First Mortgage Fee and Leasehold Sinking Fund Bond, of $250.00 face value, bearing the number 1022, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

d. Ten (10) shares of capital stock of S. W. Straus & Co., Incorporated, evidenced by a certificate numbered 03288, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with all declared and unpaid dividends thereon,

e. One (1) Participating Certificate for two (2) shares of $50.00 par value common capital stock of Chicago Medical Arts Building Corp., 310 So. Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate bearing the number 2381, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

f. One (1) Participating Certificate for ten (10) shares no par value common capital stock of Wabash-Harrison Corp., 231 So. La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate bearing the number 2625, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

g. One (1) Trust Certificate for five (5) shares no par value common capital stock of One La Salle Co., Chicago, Illinois, said certificate bearing the number 3662, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

h. One (1) Trust Certificate for two and one half (2½) shares no par value common capital stock of Chicago Builders Building Co., 228 No. La Salle Street, Chicago, Illinois, said certificate bearing the number 3603, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

i. One (1) Voting Trust Certificate for one-half (½) share of capital stock of Oregon Paramount Corp., 803 American Bank Building, Portland, Oregon, said certificate bearing the number 773, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto, and

j. One (1) Participating Certificate for five (5) shares of common capital stock

of Maryland Theatre Building Corp., 141 W. Jackson Boulevard, Chicago, Illinois, said certificate bearing the number 1271 registered in the name of Miss A. Theis, 34 Groverstr, 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9000; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order CE 459]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN OHIO, ILLINOIS, AND NEW YORK COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Steve Stefoff	Bulgaria	Jacob Levy, administrator of the estate of Peter Stefoff, deceased, vs. the Equitable Life Assurance Society of the United States, Court of Common Pleas, Mahoning County, Ohio.	$1,525.00	Clerk of Court of Common Pleas, Mahoning County, Ohio.	$55.00
		Item 2			
Maria DeTorrice	Italy	Thomas DeTorrice vs. Maria DeTorrice, et al., Circuit Court, Whiteside County, Ill.	344.66	County Treasurer, Whiteside County, Morrison, Ill.	70.00
		Item 3			
Anna Prohaska	Roumania	Estate of Suzanna Kern, Surrogate's Court, Erie County, N. Y.	479.36	Jules J. Neifach, executor, 507 Brisbane Bldg., Buffalo 3, N. Y.	48.0
		Item 4			
Michael Biringer	do	Same	479.35	Same	48.00

[F. R. Doc. 48-9002; Filed, Oct. 8, 1948; 8:53 a. m.]